

Exhibit 90

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO EXCLUDE GENERAL CAUSATION TESTIMONY OF PLAINTIFFS' EXPERTS

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<p>1 For the State of Arizona:</p> <p>2 BY: NATHAN WHELIHAN, ESQ. (VIA ZOOM)</p> <p>3 Office of the Attorney General</p> <p>4 2005 N. Central Avenue</p> <p>5 Phoenix, Arizona 85004</p> <p>6 602.542.5025</p> <p>7</p> <p>8 For the Plaintiffs:</p> <p>9 BY: PAIGE BOLDT, ESQ. (VIA ZOOM)</p> <p>10 Watts Guerra, LLP</p> <p>11 4 Dominion Drive, Building 3, Suite 100</p> <p>12 San Antonio, Texas 78527</p> <p>13 210.448.0500</p> <p>14</p> <p>15 Also present:</p> <p>16 Hayley Chang, Meta (VIA ZOOM)</p> <p>17 Tyler Smith, Meta</p> <p>18 Jim Lopez, trial tech</p> <p>19 Chris Reynolds, trial tech</p> <p>20 James Vonwiegen, videographer</p> <p>21 Tara Lamer (VIA ZOOM)</p> <p>22 Nicole Lopez (VIA ZOOM)</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 7</p>	<p>1 Bejar Arturo Conversion (Internal 97</p> <p>2 Exhibit 8 Version),</p> <p>3 META3047MDL-047-00060085</p> <p>4 Bejar Negative Experiences Survey - 118</p> <p>5 Exhibit 9 October 2019 Edition,</p> <p>6 META3047MDL-059-00000216</p> <p>7 Bejar Factors that Cause Meta's 144</p> <p>8 Exhibit 10 Instagram App to be Unsafe for</p> <p>9 Kids</p> <p>10 Bejar Slipsheet 191</p> <p>11 Exhibit 11</p> <p>12</p> <p>13 Bejar List of videos 196</p> <p>14 Exhibit 12</p> <p>15 Bejar Slipsheet 198</p> <p>16 Exhibit 13</p> <p>17</p> <p>18 Bejar Instagram Community Guidelines 208</p> <p>19 Exhibit 14 FAQs, April 19, 2018</p> <p>20 Bejar Slipsheet 217</p> <p>21 Exhibit 15</p> <p>22</p> <p>23 Bejar Slipsheet 233</p> <p>24 Exhibit 16</p> <p>25 Bejar Instagram Bad Experiences 235</p> <p>26 Exhibit 17</p> <p>27</p> <p>28 Bejar E-mail, 1/13/2020, To: [REDACTED] 243</p> <p>29 Exhibit 18 [REDACTED] From: Arturo Bejar,</p> <p>30 Subject: Fwd:</p> <p>31 Reporting/Bullying Catching</p> <p>32 Up, META3047MDL-014-00014758</p> <p>33</p> <p>34 Bejar "Bad Experiences" Measurement, 255</p> <p>35 Exhibit 19 Plan for a 2021 Plan</p> <p>36 Bejar E-mail, 12/19/2020, To: Arturo 274</p> <p>37 Exhibit 20 Bejar, From: Miki Rothschild,</p> <p>38 Subject: Re: Update Since We</p> <p>39 SpokeMETA3047MDL-031-00077850</p>	<p>Page 9</p>

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<p style="text-align: right;">Page 10</p> <p>1 Bejar Bad Experiences and Encounters 284 Exhibit 21 Framework (BEEF) Survey, 2 META3047MDL-004-00015029 3 Bejar Which Specific Emotions Did 293 Exhibit 22 you Feel: Please select All 4 That Apply, META3047MDL-034-00504794 5 6 Bejar Slipsheet 316 7 Exhibit 23 8 Bejar Slipsheet 323 Exhibit 24 9 Bejar How Prevalent Were Adult 332 Exhibit 25 Nudity and Sexual Activity Violations? 10 11 Bejar How Prevalent Were Bullying 338 Exhibit 26 and Harassment Violations? 12 Bejar How Prevalent Were Child 341 Exhibit 27 Endangerment Violations? 13 14 Bejar How Prevalent Were Suicide and 343 Exhibit 28 Self-Injury Violations? 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. How are you today? 2 A. I'm good. Good. Thank you. 3 Q. My name is Tom Cartmell. We have never 4 met in person, but we have met formerly or before on 5 Zooms; is that right? 6 A. That's correct. 7 Q. Okay. You are here today in Palo Alto for 8 us to take your deposition; is that right? 9 A. That's correct. 10 Q. And is it true that you are a former 11 employee of Meta? 12 A. That's correct. 13 Q. And is it true that when you were working 14 at Meta, you were working in the area of online user 15 safety? 16 A. That's correct. 17 Q. Did that include work on -- in online user 18 safety for kids? 19 A. It did, yes. 20 Q. Okay. As I said, my name is Tom Cartmell. 21 I represent families of kids and kids who have 22 actually filed a case against Meta and other social 23 media companies claiming that they have been harmed. 24 Do you understand that? 25 A. I do.</p>
<p style="text-align: right;">Page 11</p> <p>1 THE VIDEOGRAPHER: We're now on the 2 record. My name is James Vonwiegen. I'm a 3 videographer for Golkow. 4 Today's date is April 7, 2025, and the 5 time is 9:20 a.m. 0 6 This video deposition is being held in 7 Palo Alto, California, in the matter of Social Media 8 MDL 3047, State of Tennessee versus Meta Platform's 9 Inc., for the Superior of the State of California 10 for the County of Los Angeles. 11 The deponent is Arturo Bejar. 12 Counsel will be noted on the stenographic 13 record. 14 The court reporter is Elaina Bulda-Jones, 15 California CSR 11720, who will now swear in the 16 witness. 17 ARTURO BEJAR, 18 called as a witness by the Plaintiffs herein, being 19 first duly sworn by the Certified Shorthand Reporter 20 was thereupon examined and testified as is 21 hereinafter set forth. 22 EXAMINATION 23 BY MR. CARTMELL: 24 Q. Good morning, Mr. Bejar. 25 A. Good morning.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. In addition, I represent school districts 2 across the country who allege that the epidemic of 3 social media use among kids has seriously damaged 4 the school environment and harmed the ability to 5 properly educate kids. 6 Do you understand that? 7 A. I do. 8 Q. Okay. The kids and schools that I 9 represent are -- have a common interest with the 10 Attorney Generals across the country, who are also 11 suing Meta as well as other social media companies. 12 But I don't represent any of the states; although, 13 there are other attorneys here who do represent the 14 states, and they may ask you questions later. 15 Do you understand that? 16 A. I do. 17 Q. Okay. Now, have you had a deposition 18 taken before today? 19 A. I have, yes. 20 Q. I think you were deposed, actually, in the 21 action that the Federal Trade Commission has against 22 Meta; is that right? 23 A. That's correct. 24 Q. Okay. You understand today that you are 25 under oath, I take it?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. I do.</p> <p>2 Q. And do you understand that that oath is</p> <p>3 the same as if you were sitting in a courtroom</p> <p>4 testifying?</p> <p>5 A. I do.</p> <p>6 Q. Okay. Let's talk a minute about some</p> <p>7 things we can do today to make this run more</p> <p>8 smoothly.</p> <p>9 One of those is, if you can try to make</p> <p>10 your -- your answers audible and -- rather than</p> <p>11 uh-huh or huh-uh, that sort of thing, that would be</p> <p>12 very helpful to Elaina over here, who is our court</p> <p>13 reporter. Okay?</p> <p>14 A. I will do my best. And if I forget,</p> <p>15 please remind me.</p> <p>16 Q. Okay. Fair enough. The other thing is,</p> <p>17 I'll try not to interrupt you. A lot of times in</p> <p>18 normal speech we do that. I would appreciate it if</p> <p>19 you tried to let me get my question out before you</p> <p>20 answer. We will work together to make sure they --</p> <p>21 that we do that for Elaina as well. But there may</p> <p>22 be times when I have to restate or rephrase a</p> <p>23 question.</p> <p>24 Do you understand that?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. When I met with you over Zooms, you were</p> <p>2 always with your lawyers. In other words, your</p> <p>3 lawyers were always present as well; is that fair?</p> <p>4 A. That's correct.</p> <p>5 Q. And then during those Zooms there were</p> <p>6 also many other lawyers from state Attorney</p> <p>7 Generals' Offices; is that right?</p> <p>8 A. That's correct.</p> <p>9 Q. Do you remember that there were lawyers</p> <p>10 from the Massachusetts Attorney General's Office?</p> <p>11 A. Yeah, I believe so. Like, I didn't really</p> <p>12 track which offices everybody was -- I just trusted</p> <p>13 the process.</p> <p>14 Q. Okay. In other words, there were lots of</p> <p>15 different lawyers that you talked to before this</p> <p>16 deposition, some from Attorney General's Office,</p> <p>17 some from my office and other law firms; is that</p> <p>18 fair?</p> <p>19 A. That's fair.</p> <p>20 Q. But at all times your lawyers were there</p> <p>21 as well?</p> <p>22 A. At all times.</p> <p>23 Q. Okay. Now, let me ask you, has anybody</p> <p>24 ever told you at any time to do anything during this</p> <p>25 deposition other than tell the truth?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. And then lastly, you can take a</p> <p>2 break any time you want today. I would ask that if</p> <p>3 there is a pending question, that we answer the</p> <p>4 question before we take a break. But honestly, for</p> <p>5 any reason, if you feel like you need a break, just</p> <p>6 tell your attorney sitting next to you, Mr. Ward,</p> <p>7 and we will take a break.</p> <p>8 A. Thank you.</p> <p>9 Q. Okay. You are here, as I mentioned, with</p> <p>10 your lawyers today.</p> <p>11 Michael Ward, Mr. Ward, is he your lawyer?</p> <p>12 A. Yes, he is.</p> <p>13 Q. He's from the law firm of Baker Botts; is</p> <p>14 that right?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And did you meet with Mr. Ward and</p> <p>17 other lawyers from his law firm to prepare for your</p> <p>18 deposition today?</p> <p>19 A. I did, yes.</p> <p>20 Q. Okay. Now, you and I have met before on</p> <p>21 Zooms -- I think I mentioned that before -- correct?</p> <p>22 A. That's correct.</p> <p>23 Q. Okay. We have never met in person before</p> <p>24 today; is that right?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No.</p> <p>2 Q. And is anybody compensating you to be here</p> <p>3 to testify?</p> <p>4 A. No.</p> <p>5 Q. I want to talk about your background at</p> <p>6 Meta and your work in some detail, but first I want</p> <p>7 to ask you some specific questions.</p> <p>8 First, do you have expertise in the area</p> <p>9 of social media user safety?</p> <p>10 A. I do, yes.</p> <p>11 Q. And how many years have you worked in that</p> <p>12 area?</p> <p>13 A. I mean, I think if we go from today, it</p> <p>14 would go back to 1994. So that would be, like,</p> <p>15 30 years, give or take.</p> <p>16 Q. Would that area that would -- strike that.</p> <p>17 Would that area include the safety of kids</p> <p>18 on social media?</p> <p>19 A. Yes, it would.</p> <p>20 Q. And how did -- strike that.</p> <p>21 Did you work at Meta in the area of online</p> <p>22 safety and security?</p> <p>23 A. Yes, I did.</p> <p>24 Q. Including online safety and security of</p> <p>25 kids?</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. Did your work at Meta include assessing</p> <p>3 whether Meta was adequately protecting and</p> <p>4 preventing harms to kids on Meta's social media</p> <p>5 apps?</p> <p>6 A. Yes.</p> <p>7 Q. And did your work include making</p> <p>8 recommendations to Meta's senior leadership about</p> <p>9 how to protect kids and prevent harms on Meta's</p> <p>10 social media apps?</p> <p>11 A. Yes, I did.</p> <p>12 Q. How long did you work on social media</p> <p>13 safety and security at Meta?</p> <p>14 A. My first stint there was six years, and</p> <p>15 then I came back and I worked on that for another</p> <p>16 three years.</p> <p>17 Q. So eight years total?</p> <p>18 A. Eight years total, yeah.</p> <p>19 Q. Are you prepared today to talk about your</p> <p>20 work in safety and security at Meta?</p> <p>21 A. I am, yes.</p> <p>22 Q. Are you also prepared today to discuss</p> <p>23 your assessment as to whether Meta's Instagram</p> <p>24 platform is safe for kids?</p> <p>25 A. I am, yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 whether Meta was adequately protecting kids from</p> <p>2 harm on Instagram?</p> <p>3 A. That you cannot adequately protect kids if</p> <p>4 you don't understand the harm that they are</p> <p>5 experiencing, so they were not adequately protecting</p> <p>6 kids.</p> <p>7 Q. Let me ask you, did he respond to you?</p> <p>8 A. He didn't respond to me.</p> <p>9 Q. Have you formed an opinion about whether</p> <p>10 or not Meta executives prioritized growth and</p> <p>11 engagement of Instagram over the safety of the</p> <p>12 users?</p> <p>13 A. I have, yes.</p> <p>14 MS. JONES: Excuse me, Mr. Bejar.</p> <p>15 Objection. Foundation.</p> <p>16 You can go ahead.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. What is your opinion?</p> <p>19 A. I believe that growth and engagement are a</p> <p>20 top priority and that safety is an afterthought.</p> <p>21 Q. Now, since you left Meta, have you told</p> <p>22 people outside of Meta that Meta does not adequately</p> <p>23 protect kids from harms on Instagram?</p> <p>24 A. I have, yes.</p> <p>25 Q. Have you been subpoenaed by witnesses,</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Right up front I want to ask you, based on</p> <p>2 your 30 years of experience as a user safety and</p> <p>3 security expert, including your eight years of work</p> <p>4 at Meta, what is your assessment as to whether Meta</p> <p>5 adequately protects kids on its social media app</p> <p>6 Instagram?</p> <p>7 A. Meta does not adequately protect kids on</p> <p>8 Instagram. And I believe that's true today.</p> <p>9 Q. Now, while you were working at Meta as its</p> <p>10 online safety expert, did you take those concerns</p> <p>11 for the safety of kids of Meta's Instagram --</p> <p>12 related to Meta's Instagram app all the way to the</p> <p>13 highest level of the company?</p> <p>14 A. I did, yes.</p> <p>15 Q. All the way to the highest executives of</p> <p>16 the company?</p> <p>17 A. Yes. I took them to Mark Zuckerberg and</p> <p>18 Sheryl Sandberg and Adam Mosseri and people who lead</p> <p>19 the company.</p> <p>20 Q. Did you tell Mr. Zuckerberg that you</p> <p>21 thought Meta did not adequately understand the harms</p> <p>22 that Instagram users, including kids, were</p> <p>23 experiencing?</p> <p>24 A. Yes, I did.</p> <p>25 Q. What did you tell Mr. Zuckerberg as far as</p>	<p style="text-align: right;">Page 21</p> <p>1 including Attorney Generals -- strike that.</p> <p>2 Have you been subpoenaed by Attorneys</p> <p>3 General from different states to give testimony</p> <p>4 about Meta's safety and practices with respect to</p> <p>5 Meta?</p> <p>6 A. I have, yes.</p> <p>7 Q. Were you subpoenaed to testify at a</p> <p>8 congressional hearing about your experience and</p> <p>9 knowledge related to Meta's protections of kids on</p> <p>10 social media?</p> <p>11 A. I was, yes.</p> <p>12 (Whereupon, Meta-Bejar Exhibit 1 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. CARTMELL:</p> <p>15 Q. Handing you Exhibit 1.</p> <p>16 MS. JONES: Mike, do you have an extra</p> <p>17 copy?</p> <p>18 MR. WARD: I can send them over.</p> <p>19 MS. JONES: That's fine.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. Mr. Bejar, what is Exhibit 1?</p> <p>22 A. That's me taking the oath in front of the</p> <p>23 Judiciary Committee.</p> <p>24 Q. Where are you?</p> <p>25 A. In Washington, D.C., at the Judiciary</p>

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<p style="text-align: right;">Page 22</p> <p>1 Committee chamber, I believe.</p> <p>2 Q. Briefly tell us, what did you tell</p> <p>3 Congress about whether Meta adequately protects kids</p> <p>4 from harms?</p> <p>5 MS. JONES: I am going to object to this</p> <p>6 line of questioning based on the narrative.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: I told them that Meta</p> <p>9 executives were aware of the harms that teens were</p> <p>10 experiencing on their platform and that they had</p> <p>11 chosen to not adequately address it, reduce it,</p> <p>12 understand it.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. What did you point out to the Judiciary</p> <p>15 Committee about whether Meta's public reporting of</p> <p>16 the safety of Instagram is accurate?</p> <p>17 MS. JONES: Same objection.</p> <p>18 THE WITNESS: That the public reporting</p> <p>19 was misleading, that the Transparency Center, the</p> <p>20 numbers they talked about, they do not convey the</p> <p>21 harm that people were experiencing on the platform,</p> <p>22 and they were misleading people and regulators as to</p> <p>23 the harm that was unfolding there.</p> <p>24 BY MR. CARTMELL:</p> <p>25 Q. Now, had you been interviewed for an</p>	<p style="text-align: right;">Page 24</p> <p>1 truthfully and accurately reflect your statements</p> <p>2 about Meta?</p> <p>3 A. Yes, it did.</p> <p>4 Q. Let me ask you, have you made any money by</p> <p>5 sharing your knowledge about Meta with the public?</p> <p>6 A. I have not.</p> <p>7 Q. You don't have any book deal, do you?</p> <p>8 A. No, no.</p> <p>9 Q. Do you regret going public?</p> <p>10 A. No, I think it was important for me to do.</p> <p>11 Q. Why is that?</p> <p>12 A. I mean, the job is protecting kids, right.</p> <p>13 And it got to a point where I realized that the most</p> <p>14 effective way I could serve that, that I could help</p> <p>15 kids get -- become more protected online was by</p> <p>16 going public.</p> <p>17 Q. We will talk more about that later. Let's</p> <p>18 switch gears though -- strike that.</p> <p>19 Let's switch gears and talk about your</p> <p>20 background even before Meta in a little more detail.</p> <p>21 Where are you originally from, Mr. Bejar?</p> <p>22 A. I'm originally from Mexico.</p> <p>23 Q. Is that where you grew up?</p> <p>24 A. Yeah.</p> <p>25 Q. Did you graduate from high school in</p>
<p style="text-align: right;">Page 23</p> <p>1 article by the Wall Street Journal?</p> <p>2 A. I was, yes.</p> <p>3 Q. Was there actually a feature in the Wall</p> <p>4 Street Journal article talking about your opinions</p> <p>5 related to Meta's safety of young kids?</p> <p>6 A. Yes.</p> <p>7 (Whereupon, Meta-Bejar Exhibit 2 was</p> <p>8 marked for identification.)</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. I have handed you Exhibit 2, Mr. Bejar.</p> <p>11 What is Exhibit 2?</p> <p>12 A. It is the Wall Street Journal article for</p> <p>13 which I was interviewed.</p> <p>14 Q. Is that article titled "His Job Was to</p> <p>15 Make Instagram Safe For Teens. His 14-Year-Old</p> <p>16 Showed Him What the App Was Really Like"? Is that</p> <p>17 the title of the article?</p> <p>18 A. Yes, that's the title of the article, and</p> <p>19 my daughter did show me what Instagram was really</p> <p>20 like.</p> <p>21 Q. We will discuss that.</p> <p>22 Were you interviewed by the author of this</p> <p>23 article multiple times?</p> <p>24 A. Yes.</p> <p>25 Q. And did it truthfully, this article,</p>	<p style="text-align: right;">Page 25</p> <p>1 Mexico?</p> <p>2 A. I did, yeah.</p> <p>3 Q. When did you first become interested in</p> <p>4 computers and working in the technology industry?</p> <p>5 A. First interested in computers when I was</p> <p>6 like 9 or 10. And my first job in the computer</p> <p>7 industry was when I was 15, working for IBM in</p> <p>8 Mexico City.</p> <p>9 Q. What were you doing for IBM when were you</p> <p>10 15 years old?</p> <p>11 A. When I first started, I was kind of</p> <p>12 helping them make presentations and just whatever I</p> <p>13 could do to help. I just really wanted to be on the</p> <p>14 inside. By the end of my time there, when I was 17,</p> <p>15 I wrote the system that calculated taxes for payroll</p> <p>16 for the HR department.</p> <p>17 Q. So how long did you work for IBM in Mexico</p> <p>18 City?</p> <p>19 A. I mean, I worked for IBM for like six</p> <p>20 years total, starting in Mexico City and ending up</p> <p>21 in the UK.</p> <p>22 Q. How did you end up in the UK?</p> <p>23 A. I -- at Mexico City I ended up meeting</p> <p>24 Steve Wozniak, one of the cofounders of Apple. And</p> <p>25 I was able to go visit the UK with him, and I</p>

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<p style="text-align: right;">Page 26</p> <p>1 thought it would be an incredible place to study. 2 And he generously offered to support me in doing 3 that. And so I was able to move to the UK with his 4 support. And I also got a job in IBM in the UK, 5 continuing my work there. 6 Q. Let me follow up on that. You said you 7 missed -- you met Mr. Wozniak. Was it in Mexico 8 City? 9 A. That's correct. 10 Q. What was he doing in Mexico City? 11 A. He was studying Spanish. 12 Q. Okay. And how was it that you became 13 acquainted with him? 14 A. He stayed in a house that belonged to a 15 friend of my father, and my father said Steve from 16 Apple is staying at this house. And I was like, 17 which Steve? There are two Steves, Steve Jobs and 18 Steve Wozniak. And he was like, Steve Wozniak. No. 19 He actually -- my dad didn't tell me which Steve it 20 was. 21 So I called on the phone and I said, Is 22 this Steve? And he was like, Yeah. And I said, Is 23 this Steve Jobs? And he's like, No. It's Steve 24 Wozniak. And I was like, Oh -- I was just really 25 embarrassed.</p>	<p style="text-align: right;">Page 28</p> <p>1 degree from college in the UK? 2 A. Yes, I did. 3 Q. Where was that? 4 A. It was at King's College in London. 5 Q. Was that in 1993, I believe? 6 A. That's correct. 7 Q. What was your degree in? 8 A. Pure mathematics. 9 Q. Has Mr. -- strike that. 10 So what did you do after you got your 11 degree at King's College in 1993? 12 A. So at that point I had been working at 13 IBM. I worked on their research labs in the UK. I 14 got my first internship in a Silicon Valley startup 15 that IBM and Apple had started. And I just really 16 loved the culture here. And so when I graduated, I 17 went back to Mexico for a year so that my wife could 18 finish her degree and then moved immediately to 19 Silicon Valley to start working on a company that 20 was focused on social and security and all of these 21 issues. And that was my first job and that was 22 properly in safety and security space. 23 Q. So when was it that you came to the 24 Silicon Valley? 25 A. I believe it was summer of 1993, but it</p>
<p style="text-align: right;">Page 27</p> <p>1 And Steve Wozniak, as a geek kid, was like 2 my favorite Steve, because he is the one that came 3 up with the Apple II. So to meet him was an 4 incredible experience to learn from him about what 5 it was like to make computers and dream of what they 6 could do. 7 Q. Did you develop a friendship with him? 8 A. I did, yes. 9 Q. Did he actually offer to pay for your 10 education? 11 A. He did. I -- when I -- the opportunity to 12 go study abroad came up, I called him and I asked 13 him, Will you help me find somebody -- I'll pay them 14 back -- who can pay for this? And he said, I will 15 do it. 16 Q. What were the terms, sort of, of that 17 agreement that he would pay for your college? 18 A. After I graduated and got my first 19 good-paying job, I went back to him and I said, I 20 would like to pay you back. And he said, You don't 21 have to. Just make sure to carry this forward with 22 other people. 23 Q. Do you feel like you have done that? 24 A. Yeah. I have continued to do it. 25 Q. Okay. Let me ask you, so did you get a</p>	<p style="text-align: right;">Page 29</p> <p>1 might be in '92 sometimes I get them backwards. 2 Q. And have you essentially lived here in the 3 Silicon Valley ever since? 4 A. I have, yes. 5 Q. That first company that you mentioned, did 6 you say that that was a social media company in 7 part? 8 A. Yeah. Like my internship in '93, 9 actually, was to build distributed systems for 10 cyberspace, so they had little avatars there. And 11 then the company in '94 that was called Electric 12 Communities was focused on security and also the 13 social definition of security, which was my first 14 exposure to that. 15 Q. Now, I noticed that you don't have a 16 degree in engineering, but did you develop 17 engineering skills? 18 A. From when I was, like, 10 or 12. So, as I 19 said, IBM hired me as an engineer. They -- I wrote 20 their payroll system. I did engineering internships 21 for IBM in the UK and then Electric Communities 22 hired me as one of their most senior engineers. 23 Kaleida Labs hired me as a first engineering intern. 24 So, yeah, kind of a lifetime of work on it. 25 Q. How long did you stay working at Electric</p>

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<p style="text-align: right;">Page 30</p> <p>1 Communities, that first job you had out of college?</p> <p>2 A. Until 1998.</p> <p>3 Q. And then what did you do in 1998?</p> <p>4 A. I went over to Yahoo!.</p> <p>5 Q. Yahoo!, the current company, the --</p> <p>6 A. Yeah. Yahoo!, the search engine, with a</p> <p>7 love for purple.</p> <p>8 Q. In 1998, how long had Yahoo! been around?</p> <p>9 A. Just a few years. The company was very</p> <p>10 small. When I started there, there were like around</p> <p>11 a hundred engineers. And I think there might have</p> <p>12 been, like, 3 or 400 employees total.</p> <p>13 Q. And how long -- we will talk about that in</p> <p>14 more detail.</p> <p>15 But how long did you end up working at</p> <p>16 Yahoo!?</p> <p>17 A. 11 years.</p> <p>18 Q. And what was your job title when you were</p> <p>19 hired at Yahoo!?</p> <p>20 A. Technical Yahoo!. So an engineer.</p> <p>21 Q. When we talk about being an engineer, are</p> <p>22 we talking about you working in computer</p> <p>23 engineering?</p> <p>24 A. That's correct.</p> <p>25 Q. Explain what that is, if you don't mind.</p>	<p style="text-align: right;">Page 32</p> <p>1 Yahoo! made was safe for the people who were using</p> <p>2 it.</p> <p>3 Q. So the team you started at Yahoo! that was</p> <p>4 called The Paranoids, why was it called that?</p> <p>5 A. I was concerned, when you come up to</p> <p>6 people and you say you work in security, that it</p> <p>7 would be off-putting. So I tried to come up with a</p> <p>8 term that would make people kind of smile when you</p> <p>9 came up. So my first business cards that Yahoo!</p> <p>10 printed had the title called Paranoid Yahoo!. And</p> <p>11 by the end of my tenure it was, like, in the cost</p> <p>12 centers and it was in the HR system. It became a</p> <p>13 formal title for the company.</p> <p>14 Q. Did you ultimately become the chief</p> <p>15 security officer at Yahoo!?</p> <p>16 A. I became the equivalent of a chief</p> <p>17 security officer. So eventually I was in charge of</p> <p>18 the security of the products, the security of the</p> <p>19 network, so a data center's -- physical security of</p> <p>20 data center, server security and every aspect that</p> <p>21 had to do with the business around security, and</p> <p>22 also dealing with issues like safety, like, for</p> <p>23 example, if a kid was getting groomed in Yahoo!</p> <p>24 Mail, if there were viruses, all that stuff would</p> <p>25 come to our team to work on and help the teams that</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Yeah. So you write code that then you put</p> <p>2 on their servers for different purposes, right. And</p> <p>3 so there were engineers working on Yahoo! Chat, and</p> <p>4 they wrote the Chat rooms. And what I wrote was the</p> <p>5 security code.</p> <p>6 And so I wrote code that helped protect</p> <p>7 against bad things happening. I also wrote their</p> <p>8 encryption library, so like how do you store data</p> <p>9 securely, how do you transmit it securely. I wrote</p> <p>10 also the login page. I wrote their Wallet, so like</p> <p>11 how you store your credit card and use it for</p> <p>12 payments. So those are coding systems for which I</p> <p>13 was an engineer and eventually an engineering</p> <p>14 manager of a small team.</p> <p>15 Q. Were you the first engineer at Yahoo!</p> <p>16 dedicated to writing security code?</p> <p>17 A. Yes, I was.</p> <p>18 Q. What about product security? Were you</p> <p>19 also responsible for that?</p> <p>20 A. Yeah. So the job of writing security code</p> <p>21 turned into the job of watching the security of all</p> <p>22 of the products at Yahoo!. So it was Chat secure,</p> <p>23 Yahoo! Mail secure, Yahoo! Groups secure. So that</p> <p>24 was a team I started called The Paranoids. This</p> <p>25 team's job was to make sure that every product that</p>	<p style="text-align: right;">Page 33</p> <p>1 were in Mail, in Groups, and different parts of the</p> <p>2 company.</p> <p>3 Q. Was a significant part of your job at</p> <p>4 Yahoo! to be involved in protecting kids from a</p> <p>5 safety standpoint?</p> <p>6 A. Yes, absolutely.</p> <p>7 Q. Did your work at Yahoo! involve working</p> <p>8 with the senior executives?</p> <p>9 A. Yes. From very early on, it was either --</p> <p>10 if there was an incident or something that needed to</p> <p>11 be looked at, executives would come to me to</p> <p>12 investigate and to figure out what were accurate</p> <p>13 things that you could say about what happened.</p> <p>14 And then, also, I was part of all of, sort</p> <p>15 of, the leadership meetings, setting strategy,</p> <p>16 talking about how different groups were performing</p> <p>17 in their security duties. And this was to the head</p> <p>18 of technology, the head of engineering, and frequent</p> <p>19 interactions with the CEO.</p> <p>20 Q. While you were first employed at Yahoo!,</p> <p>21 were you contacted actually by Meta representatives</p> <p>22 to come to work at Meta?</p> <p>23 A. I was, yes.</p> <p>24 Q. Tell us about that.</p> <p>25 A. I wanted to give a talk at Stanford</p>

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<p style="text-align: right;">Page 34</p> <p>1 talking about how you protect logins from hackers, 2 and so how do you stay in control of your account 3 even though there might be people trying to get into 4 it. And there were two people from Meta at the 5 talk. And then they told somebody to call me and 6 ask me if I was interested to go work at Facebook at 7 the time. 8 Q. And did you actually accept an offer to go 9 to work at Meta? 10 A. I did, yes. 11 Q. And what year was that? 12 A. That was in 2009. 13 Q. Why was it that you left Yahoo!? 14 A. It was a combination of two things. One 15 of them was the CEO had spoken in front of the whole 16 company and said something derogatory about the 17 team. And this was the first time I had heard that 18 feedback. And, you know, I'm always open, if 19 anything's wrong, tell me, right, and I'll work on 20 it. And I'm not opposed to that being talked about 21 publicly at all. But it shouldn't be the first time 22 to hear from the CEO and then all kinds of something 23 like that. I found it very demoralizing. 24 And that's when the call came in. And I 25 met -- I went to meet with the people at Facebook</p>	<p style="text-align: right;">Page 36</p> <p>1 A. That's correct. 2 Q. The first stint that -- when you worked at 3 Meta, was that from 2009 until 2015? 4 A. That's correct. 5 Q. So six years? 6 A. Yeah. 7 Q. Okay. And then you worked in your second 8 stint from -- at Meta from 2019 to 2021; is that 9 right? 10 A. That's correct. 11 Q. Okay. Let's talk about your first stint 12 starting in 2009. And why don't you just, if you 13 don't mind, just in general tell us about working 14 during that six years at Meta and what you were 15 doing. 16 A. Yeah. So they hired me to manage the site 17 integrity engineering team. And so these are the 18 people that stopped the bad things from happening. 19 So fake accounts, login, spam, like -- like scams, 20 things like that. 21 Within my first year or so, I think after 22 six months, I also got the team that did all of the 23 tools for customer care. So the products, so when 24 you go on the site and you say, I need to report 25 something, that's the product side of customer care.</p>
<p style="text-align: right;">Page 35</p> <p>1 and I spoke to, like, Schrep, my manager, the CTO. 2 Like all these -- Mark Zuckerberg, Sheryl Sandberg, 3 all these people, and they were really, like, 4 interested -- I was really -- I found what they had 5 to say really interesting and compelling and it 6 seemed to be like a place to go do good work. 7 Q. You were actually interviewed by Mark 8 Zuckerberg? 9 A. I was, yes, in his backyard. 10 Q. And Sheryl Sandberg as well? 11 A. Yeah. 12 Q. Okay. So 11 years, was that the time you 13 spent at Yahoo!? 14 A. That's correct. 15 Q. You saw it grow from what to what, how big 16 was it when you left? 17 A. When I left it was over 10,000 employees. 18 When I started it was, like, a few hundred 19 million -- I think it was like a hundred million 20 people using the product and when I left it was like 21 hundreds and hundreds of millions. And so it was a 22 period of significant growth for the company. 23 Q. Let's talk about your work at Meta. 24 And is it true that you've had two stints 25 at Meta?</p>	<p style="text-align: right;">Page 37</p> <p>1 As well as all of the internal tools for customer 2 care so the things you look to review content. And 3 so I got that team. 4 I also got developer tools. I also got 5 one of the engineering teams that built the core 6 infrastructure of Facebook as a product for 7 everything. And I also had responsibilities with 8 security engineering and other aspects of the 9 business. 10 Q. Okay. That's a lot to unpack. So let me 11 go back and follow up with that about -- strike 12 that. 13 Let me go back and follow up on what you 14 just said. 15 But did you start on the engineering side 16 of the company? 17 A. Yes, I started on the engineering side 18 reporting to the CTO. 19 Q. And so were you a senior director at that 20 time? 21 A. I was, yes. 22 Q. Okay. And ultimately, did you become the 23 senior engineer and product leader? 24 A. For protect and care, yes. 25 Q. Okay. Let's go -- let's, if we can, break</p>

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<p style="text-align: right;">Page 38</p> <p>1 it down.</p> <p>2 You said you were responsible for site</p> <p>3 integrity. What does that mean?</p> <p>4 A. Site integrity is stopping spammers,</p> <p>5 attackers, hackers, people that are trying to put</p> <p>6 exploitative information on the site.</p> <p>7 Also, for example, if you got a message</p> <p>8 for somebody who is trying to trick you into sending</p> <p>9 them money, that was all things that site integrity</p> <p>10 protected against.</p> <p>11 Q. Okay. What about product infrastructure,</p> <p>12 were you responsible for that?</p> <p>13 A. I was.</p> <p>14 Q. What does that mean?</p> <p>15 A. So if you think of Facebook as sort of the</p> <p>16 app that you use. And then there's a really big set</p> <p>17 of databases underneath. Incredible in scope. You</p> <p>18 have to make sure that you show people the right</p> <p>19 data, that you don't expose people's privacy.</p> <p>20 So whenever the product says Tom is coming</p> <p>21 in, let's give them Tom's information, it goes</p> <p>22 through a layer of software that makes sure that</p> <p>23 only the right information gets delivered. That</p> <p>24 layer in the middle that makes sure that the</p> <p>25 requests were correct, that's what product</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. And then was it sometime later that</p> <p>2 actually Meta acquired Instagram?</p> <p>3 A. That's correct.</p> <p>4 Q. Okay. Did we talk about security</p> <p>5 infrastructure?</p> <p>6 A. No, not yet.</p> <p>7 Q. Tell me what that entailed as far as your</p> <p>8 job responsibilities.</p> <p>9 A. Yes. So security infrastructure is -- is</p> <p>10 about building technology that was resilient to</p> <p>11 attacks and misuse. And so what you really want</p> <p>12 when you're building safety or security features is</p> <p>13 you want to build something that if it's used in an</p> <p>14 unexpected way it still protects. So that's an</p> <p>15 engineering discipline, to build things that way.</p> <p>16 And so the security infrastructure team</p> <p>17 built the language on which the Facebook web pages</p> <p>18 were written, tools that analyzed code, just lots of</p> <p>19 thing. And the focus was to do that.</p> <p>20 The other area that was important for</p> <p>21 security infrastructure is if, for example, you</p> <p>22 asked for your data to be deleted and there's going</p> <p>23 to be an auditor to come in and check that it</p> <p>24 happens. They built the thing that makes sure that</p> <p>25 your data is deleted in a timely fashion and that if</p>
<p style="text-align: right;">Page 39</p> <p>1 infrastructure worked on. It was kind of the</p> <p>2 foundation of the application.</p> <p>3 Q. I should have made it clear.</p> <p>4 But was Facebook the only app that the</p> <p>5 company Facebook, as it was called at that time,</p> <p>6 had?</p> <p>7 A. During my time there, they acquired</p> <p>8 Instagram and WhatsApp. And Instagram and WhatsApp</p> <p>9 relied on the safety and security infrastructure</p> <p>10 that the teams that I managed built.</p> <p>11 Q. When you were hired in -- let me start and</p> <p>12 tell you something before.</p> <p>13 I'm going to refer to the company as Meta</p> <p>14 today. Is that okay with you?</p> <p>15 A. Yes, that's okay.</p> <p>16 Q. And I'm going to refer to them as Meta</p> <p>17 even when they were Facebook back before 2021. Fair</p> <p>18 enough?</p> <p>19 A. I understand.</p> <p>20 Q. If I'm talking about Facebook, I'll be</p> <p>21 talking about the Facebook app, okay. So let me</p> <p>22 make it clear.</p> <p>23 In 2009, when you were hired by Meta, what</p> <p>24 was the only app Meta had?</p> <p>25 A. The Facebook app.</p>	<p style="text-align: right;">Page 41</p> <p>1 an auditor comes in or a regulator comes in we can</p> <p>2 demonstrate that that's the case.</p> <p>3 Q. Those are privacy issues?</p> <p>4 A. Yeah, privacy and security-related.</p> <p>5 Q. Now, you mentioned the protect and care</p> <p>6 team; is that right?</p> <p>7 A. That's correct.</p> <p>8 Q. Tell us what the protect and care team was</p> <p>9 that you started.</p> <p>10 A. So the idea was to combine into one team</p> <p>11 what's called site integrity. So security. And</p> <p>12 then the customer care part, which is how users let</p> <p>13 you know that something bad has happened and how you</p> <p>14 use that information to then protect other people.</p> <p>15 And so protect and care was the group of people that</p> <p>16 did that job.</p> <p>17 Q. Tell us what the -- your responsibilities</p> <p>18 were as the leader and one who started the protect</p> <p>19 and care team.</p> <p>20 A. Yes. I managed engineering, product user</p> <p>21 research, started line manage, data analytics,</p> <p>22 design, and content. So the language that they use</p> <p>23 in the app. So all of the disciplines that went</p> <p>24 into making these products, I managed. And then I</p> <p>25 would lay out the strategy for the area.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Then I was responsible for reviewing that 2 with the executive team every six months. And in 3 the case that there were any issues or incidents 4 that -- things that needed attention, I would get a 5 message from one of the executives. We would 6 investigate and then we would communicate back to 7 the executive team and the legal team what were the 8 accurate representations that you could make about 9 what happened.</p> <p>10 Q. You said you were meeting with senior 11 leadership every -- was it half or quarter?</p> <p>12 A. Every half.</p> <p>13 Q. And tell us who that was.</p> <p>14 A. So that was Mark Zuckerberg, Sheryl 15 Sandberg, Mike Schroepfer, Chris Cox. Andrew 16 Bosworth when he got to that level.</p> <p>17 And then -- it's basically a room that's 18 led by Mark, who really sets the strategy and 19 direction for the company, and then all of the most 20 senior leaders in -- across the board.</p> <p>21 Q. Okay. And how big was the company when 22 you started in 2009?</p> <p>23 A. Oh, it was so small. It was 250 24 engineers, give or take. I think around a thousand 25 people. I remember because it was a badge of pride</p>	<p style="text-align: right;">Page 44</p> <p>1 report issues, the teenagers were not using it. So 2 one in ten teenagers would go in there and actually 3 tell us what was going on. And that's pretty bad if 4 one in ten are telling you what's going on.</p> <p>5 So then we worked with outside experts 6 from Yale and from other universities and we 7 developed this framework, which is pretty simple, 8 which was step number one, are you able to 9 effectively report, let us know what happened, 10 right. What happened, where it happened, how bad is 11 it, like, how you felt.</p> <p>12 Number two, you use that information to 13 protect other teens from experiencing the same thing 14 where appropriate. It depends on the severity.</p> <p>15 Number three, sometimes you have to give 16 feedback to the people that do the bad stuff.</p> <p>17 And then number four, you needed to 18 measure how well this tool was working in order to 19 be able to keep track of the program. And that's -- 20 we developed that, we applied it and ran it for a 21 number of years.</p> <p>22 Q. The example you just gave involved 23 bullying of teens; is that right?</p> <p>24 A. Well, I think that -- what told us what 25 was something going on was the label of bullying.</p>
<p style="text-align: right;">Page 43</p> <p>1 to say you have one engineer per million users.</p> <p>2 Q. I was going to ask you how many users 3 Facebook had when you started, for instance, in 4 2009?</p> <p>5 A. Yeah. When I started they had 250 million 6 active users.</p> <p>7 Q. And do you remember what the number of 8 users on Facebook's, the app, was when you left in 9 2015?</p> <p>10 A. Yeah, 1.2 billion.</p> <p>11 Q. Let's talk first a minute about the care 12 team that you led.</p> <p>13 Is that the team that actually was working 14 on safety issues for users?</p> <p>15 A. That's correct.</p> <p>16 Q. And did that team, the care team, actually 17 work on child safety issues?</p> <p>18 A. They did, yes.</p> <p>19 Q. Did you build what was called a child 20 safety framework?</p> <p>21 A. Yeah, yeah, we did at the time.</p> <p>22 Q. Tell us about that.</p> <p>23 A. So the work was -- so we found that there 24 was an option on reporting called bullying and 25 harassment. And our tool for teenagers where you</p>	<p style="text-align: right;">Page 45</p> <p>1 But the thing is that's not what the tool was about. 2 The tool was about providing safety across different 3 areas. So things like self-harm, things like -- 4 there were like a variety of topics that we 5 developed in running user research with teenagers.</p> <p>6 And so I think that the way -- the 7 accurate way to describe those set of tools, it was 8 a framework or a set of tools to help teenagers with 9 the issues that they were dealing with.</p> <p>10 Q. What other issues other than bullying, for 11 example, were you working on protecting kids from?</p> <p>12 A. Yeah. So dealt extensively with grooming, 13 for example.</p> <p>14 Q. What is grooming?</p> <p>15 A. It's when somebody befriends you and in 16 reality they're an adult that's looking to get you 17 to meet with them in order to sexually exploit you. 18 And so they connect to you through messages. They 19 have a long Chat and eventually at some point they 20 go, oh, how about we meet tonight. And then, I 21 mean, the most terrible things happen.</p> <p>22 And so during my time at Facebook -- and 23 this was also something I worked on at Yahoo -- part 24 of the work was how do you recognize people who are 25 trying to groom children. Looking at the messages</p>

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<p style="text-align: right;">Page 46</p> <p>1 and the kinds of Chat that they did in order to 2 proactively detect them and prevent them. And also 3 conversations with parents or survivors of these 4 issues so that you can understand how to effectively 5 protect them. 6 Q. What about -- I think I've seen in the 7 documents that you were involved in dealing with 8 sextortion? 9 A. Eventually -- we didn't call it that back 10 then. And so back then what would happen is people 11 would get into your messages and push emotional 12 buttons to get you to send your money. And that was 13 true probably in the first six months I was there. 14 I remember because of the campus that this was in. 15 And so that -- and these people were based 16 in -- most often in Africa. And they had a script. 17 And then they dealt directly with getting people 18 emotionally activated and sending money. And that 19 was something I started working on probably in 2009, 20 early 2010. 21 Q. The tool that you mentioned and the things 22 that you were doing in order to protect kids, did 23 you find that that safety framework or those tools 24 was successful in reducing or substantially reducing 25 those harms to kids?</p>	<p style="text-align: right;">Page 48</p> <p>1 research to understand if there's an issue there and 2 then you want to find out how extensive that is. 3 That's also the team that dealt with 4 things like issues like suicidal ideation. So if 5 somebody's thinking of committing suicide and you 6 notice it's a friend, you not only have to help the 7 person, you also have to help the friend because, 8 like, what do you do, right. I mean, you're -- you 9 want to help the person that says, hey, I think that 10 Patty might be thinking about doing this. 11 We also dealt with end of life. So what 12 happens when somebody dies, how do you treat the 13 account respectfully. And so there was a lot of 14 work around that. 15 So if you think about life and all of the 16 bad stuff that happens in life when you get people 17 together, the compassion team's job was to 18 understand that and develop products that helped 19 with those issues. 20 Q. Were you in charge of the compassion team? 21 A. Yes, I was. 22 Q. Okay. And were you ultimately responsible 23 at Meta during -- strike that. 24 And what you just talked about, that was 25 all during your first stint, your first six years at</p>
<p style="text-align: right;">Page 47</p> <p>1 A. I mean, I think in the case of, for 2 example, grooming, yeah, absolutely, right. You 3 find these ways to detect people who are doing that. 4 You have a team dedicated to finding those people. 5 You let a kid let you know when it might be 6 happening. The combination of those things, right, 7 is very effective at reducing these harms. 8 I think for things like the most intense 9 experiences that kids could be having that are 10 related to more like content-based things, the job 11 there that's absolutely critical is you need to make 12 sure that the teenager feels supported, that they 13 were able to tell you what was going on, where it 14 happened, and how bad was it, so that you can offer 15 them immediate support. 16 And that's how you have to design the 17 tools then because if a kid feels really alone, they 18 might, as has happened in recent years too many 19 times, they might commit suicide. 20 Q. I saw in some of your documents that there 21 was something called compassion work. Tell us about 22 that. 23 A. Yeah. So the compassion work, the basic 24 idea was how well do we understand the harm that 25 people are experiencing. And so you want to</p>	<p style="text-align: right;">Page 49</p> <p>1 Facebook? 2 A. That's correct. 3 Q. Okay. And were you ultimately responsible 4 for protecting the safety and security of all users 5 on the Facebook app? 6 A. On the Facebook app and then as other 7 companies got acquired. 8 Q. Did you actually develop products that 9 were specifically designed to help keep teenagers 10 safe? 11 A. Yes, we did. 12 Q. Have you told us about those or... 13 A. I mean, I think that, for example, we knew 14 that teenagers were not using the reporting tools so 15 we built a special version for 13- to 15-year-olds. 16 And we went from one in ten finishing -- like, 17 giving us feedback there to eight out of ten giving 18 us feedback there that we could then use to drive 19 every other aspect of the safety program. 20 We also did one for 15- to 16-year-olds. 21 So like a different one for when they were older 22 teenagers. As well as the things that we did for 23 preventing grooming and understanding the harm that 24 kids were experiencing. 25 Q. Was that something called teen reporting</p>

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<p style="text-align: right;">Page 50</p> <p>1 flows?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. We'll talk more about that later.</p> <p>4 Did you actually, though, build, as a</p> <p>5 result of the reporting flows, tools that made it</p> <p>6 easier for teens to report?</p> <p>7 A. Yeah, that was one of the key goals for</p> <p>8 the team.</p> <p>9 Q. Okay. And with respect to that, in other</p> <p>10 words, teens reporting to Facebook during your first</p> <p>11 stint, was that actually when you increased the</p> <p>12 reporting of teens shown to decrease the harm to</p> <p>13 teens?</p> <p>14 A. It was shown to decrease harm on the teen</p> <p>15 who's submitting the report. So we studied that</p> <p>16 with Yale. And asked the teen how they were feeling</p> <p>17 better. Then the feedback mechanism that we used</p> <p>18 where appropriate.</p> <p>19 The feedback from that is most people</p> <p>20 who -- to whom we gave feedback appreciated</p> <p>21 receiving feedback and were more mindful of the</p> <p>22 actions that they were taking later on.</p> <p>23 And then when we used this to detect bad</p> <p>24 actors, people who were really out to harm, we would</p> <p>25 then block or checkpoint those people so they</p>	<p style="text-align: right;">Page 52</p> <p>1 more teens. It allowed them to tell us what was</p> <p>2 happening and how bad it was. We used that</p> <p>3 information to help them. And we used that</p> <p>4 information to protect other people.</p> <p>5 And then -- I cannot really stress how</p> <p>6 important it is to do that because we know that --</p> <p>7 we learned from talking to these experts from Yale,</p> <p>8 from Berkeley, from multiple universities across the</p> <p>9 US, the best that we could find, that teens, when</p> <p>10 they're young, their brains are developing, and they</p> <p>11 feel things so intensely so that if something bad is</p> <p>12 happening and you're a teenager you're likely to be</p> <p>13 feeling it much worse. And that puts a lot of</p> <p>14 responsibility on the tools that you give teenagers</p> <p>15 when they're dealing with something bad.</p> <p>16 Q. When you worked at Meta on the Facebook</p> <p>17 app for the first six years, was Meta actually</p> <p>18 willing to be transparent and work with outside</p> <p>19 experts?</p> <p>20 A. They were, yes. Every six months we held</p> <p>21 a conference that was engineers and product managers</p> <p>22 with external researchers. We published all of the</p> <p>23 data about which options kids were using on the teen</p> <p>24 tools that we provided. And we also talked about</p> <p>25 the things we got wrong, lessons learned.</p>
<p style="text-align: right;">Page 51</p> <p>1 couldn't take further action. And so all those</p> <p>2 measures decreased the harm in this space.</p> <p>3 Q. You mentioned doing work during your first</p> <p>4 stint when you were working at Meta on the Facebook</p> <p>5 app, doing work with outside experts. When you say</p> <p>6 "outside experts," what do you mean?</p> <p>7 A. Well, I mean that as an engineering or</p> <p>8 product manager, which I was, I don't have the</p> <p>9 expertise to understand what's an effective</p> <p>10 intervention in like a suicide hotline or what's an</p> <p>11 effective intervention in an eating disorder center</p> <p>12 or how you help with a teenager that's dealing with</p> <p>13 a very distressing experience.</p> <p>14 What I know how to do is how to build</p> <p>15 products that people use. And so what you want to</p> <p>16 do is you want to take people who have dedicated a</p> <p>17 lifetime working directly with kids and then put</p> <p>18 them in the product team, with the engineering team,</p> <p>19 to get their expertise of how you effectively</p> <p>20 support a teenager who's dealing with these issues</p> <p>21 directly.</p> <p>22 And then you take the product and</p> <p>23 engineering expertise and combine those and in the</p> <p>24 process of doing that, you can create tools like our</p> <p>25 teen reporting tool, which again, was used by a lot</p>	<p style="text-align: right;">Page 53</p> <p>1 And so there was a -- and I believe that</p> <p>2 this was essential to the industry. And this is not</p> <p>3 a competitive issue. The job was to be transparent</p> <p>4 about what's going on for kids, how do we learn of</p> <p>5 it, how do we make it better, and here's the lessons</p> <p>6 that we learned in trying to make it better.</p> <p>7 Q. As the leader of the protect and care</p> <p>8 team, was that something, being transparent and</p> <p>9 working with outside experts, that you made clear</p> <p>10 was very important to you and for the safety of</p> <p>11 kids?</p> <p>12 A. Most importantly to the safety of kids,</p> <p>13 yes.</p> <p>14 Q. And did you try to promote a culture that</p> <p>15 would allow for transparency even of data internally</p> <p>16 that might show there was problems or issues or</p> <p>17 harms to kids, did you believe that it was important</p> <p>18 to share that with outside experts?</p> <p>19 A. I thought it was essential to share that</p> <p>20 with outside experts because the -- Meta is at the</p> <p>21 most extraordinary position of being able to help a</p> <p>22 teenager at that time at which they ask for help.</p> <p>23 And so to be able to help academics</p> <p>24 understand, oh, yeah, these are examples of bad</p> <p>25 stuff that are kind of lightweight and they happen</p>

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<p style="text-align: right;">Page 54</p> <p>1 in volume but this is kind of part of the discourse. 2 But for example, this really bad thing 3 where the teenager's telling us they're very afraid, 4 this is what that looks like. So you know and you 5 can work and you can make it better. And so you 6 believe it's essential to be transparent. 7 Q. Does that help actually reduce harm to 8 kids? 9 A. It does. Because the more people 10 understand harm as it unfolds on these platforms, 11 the more you can deploy effective ways of preventing 12 it. It's a cycle. 13 Q. Okay. Let me ask you a few more things 14 about your time at Meta during your first stint. 15 How many people reported to you? And I'm 16 sure it grew over time. 17 A. Yeah, I mean, I think initially it was 18 around 10 to 15. And by the time I left I think it 19 was like a few hundred. 20 Q. And who did you report to? 21 A. I reported to Mike Schroepfer, who was a 22 CTO of the company. 23 Q. And who did Mike Schroepfer report to? 24 A. Mike Schroepfer reported to Mark 25 Zuckerberg.</p>	<p style="text-align: right;">Page 56</p> <p>1 once they were acquired related to security and 2 safety? 3 A. I did, yes. 4 Q. Tell us about that. 5 A. Well, whenever something came up, again, 6 part of it was this bad thing is happening, help me, 7 Mike Krieger would write to me asking for help in 8 dealing with issues. 9 I also had many exchanges with Kevin 10 Systrom, the founder, about these kinds of issues. 11 He really cared about trying to make it an 12 environment that was safe. And so we talked about 13 that. 14 Q. By the time you left in 2015, do you know 15 whether Instagram had actually implemented the 16 safety infrastructure that you had on Facebook? 17 A. They had only begun implementing some of 18 the reporting infrastructure. And so by that I mean 19 being able to, say, report and say the reason why 20 and then have people being able to review content 21 and that basic plumbing. When we talk about the 22 framework, that had not started, as far as I recall. 23 Q. Were there times where you were at Meta 24 from 2009 until 2015 that the company puts you sort 25 of out there as the face of the company for media,</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. I want to give the jury a little 2 understanding about Meta. 3 And you said when you joined it was in its 4 first five years of existence; is that right? 5 A. I think it was the -- on the sixth year of 6 existence because we had the sixth birthday party. 7 Q. Okay. And Instagram had not yet been 8 acquired by Meta; is that correct? 9 A. That's correct. 10 Q. Okay. And then in 2012, did Meta actually 11 acquire Instagram? 12 A. They did, yes. 13 Q. Okay. Were you involved in the 14 acquisition in any way? 15 A. Yes, the -- they -- our integrity systems 16 were a big part of the selling point for Instagram 17 to come be part of Facebook or Meta. And so I 18 remember being part of the due diligence when it 19 came to safety and security. 20 Q. Okay. And after Instagram was acquired by 21 Meta in 2012, was Instagram given access to all of 22 the safety and security systems and framework that 23 you had put in place? 24 A. They did, yes. 25 Q. Did you work with the Instagram leadership</p>	<p style="text-align: right;">Page 57</p> <p>1 things like that? 2 A. Yes, there were. 3 (Whereupon, Meta-Bejar Exhibit 3 was 4 marked for identification.) 5 BY MR. CARTMELL: 6 Q. Take a minute and look at that if you 7 would, Mr. Bejar. I'm just going to ask you about 8 the first page. 9 A. Okay. 10 Q. Mr. Bejar, I've handed you Exhibit 3. 11 This is an e-mail that was produced to us in this 12 litigation from your files. And it looks like it's 13 an e-mail, at the top, from [REDACTED], on 14 May 22nd, 2014, to you and lots of others. 15 Do you see that? 16 A. Yeah. 17 Q. So this was during your first stint at 18 Meta, right? 19 And the subject of this e-mail is 20 "Bullying Prevention Centre launch coverage." 21 Do you see that? 22 A. I do. 23 Q. The e-mail states, "All, We've seen really 24 strong, widespread coverage on the Bullying 25 Prevention Centre launch. We had the opportunity to</p>

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<p style="text-align: right;">Page 58</p> <p>1 introduce Arturo to the press in the UK, France and 2 Germany. Below is a summary of the main coverage 3 (but there is so much more!)"</p> <p>4 Do you see that?</p> <p>5 A. Yeah.</p> <p>6 Q. So this Bullying Prevention Centre, tell 7 us about that.</p> <p>8 A. So the idea was to accompany the teen 9 reporting tools that we had developed. We wanted to 10 create resources for parents, teachers, everybody. 11 Because the idea was, like, we're not just 12 responsible for whatever bullying might play out in 13 the platform. We have a responsibility to the world 14 to help people's understanding of what -- how 15 bullying actually plays out and what were good 16 infrastructure.</p> <p>17 One of the things that was in the centre 18 that was developed with Yale and translated to many 19 languages were these detailed PDF guides that said 20 if your son has -- or daughter has experienced 21 bullying, here is what you can do. If your son has 22 been accused of -- or daughter has been accused of 23 bullying others, here's what you can do.</p> <p>24 And we did that because at the time 25 everybody said, well, you know, this stuff has</p>	<p style="text-align: right;">Page 60</p> <p>1 marked for identification.)</p> <p>2 THE WITNESS: Yeah. There was this 3 interview.</p> <p>4 BY MR. CARTMELL:</p> <p>5 Q. Yeah. Let me ask you about Exhibit 4. 6 Exhibit 4 is a New York Times article title of 7 October 22nd, 2014, "Meet Facebook's Mr. Nice." 8 Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. Is this an article about you?</p> <p>11 A. Yes. I was always a little embarrassed 12 about the headline, but yes, it is.</p> <p>13 Q. Why were you called Mr. Nice?</p> <p>14 A. I mean, I think that fundamentally in the 15 work that we always did, right, is you -- you have 16 to understand the things that happened to people. 17 You have to respect everybody.</p> <p>18 So if somebody was saying, like, I'm going 19 to kill you tomorrow and that gets flagged in some 20 way, or somebody posted something that you find 21 really upsetting, everybody deserves to be treated 22 with respect. Everybody deserves feedback, because 23 they might not be aware of the impact of what they 24 were doing.</p> <p>25 And we found this over and over and over</p>
<p style="text-align: right;">Page 59</p> <p>1 happened, you have to have a conversation. But 2 nobody told anybody what conversation to have. So 3 we developed, like, scripts being, like, you know, 4 if you're upset, wait until you talk to your kid.</p> <p>5 There were really nicely detailed guides 6 that were for teachers, for parents, and for teens 7 with what we knew at the time of how you navigate 8 these issues. And we made that available as 9 downloadable PDFs or whatever was the easiest way to 10 get at it.</p> <p>11 And then if something was happening in the 12 app that had to do with these things, we would also 13 provide these things as resources so that people 14 would help know how to navigate the circumstance 15 better.</p> <p>16 Q. And it sounds like that bullying centre 17 received a lot of press recognition; is that right?</p> <p>18 A. That's correct. That's correct.</p> <p>19 Q. Were there other times or lots of times 20 when the company would put you forward as the 21 representative talking about safety issues?</p> <p>22 A. Yes. And I mean, I didn't keep track of 23 all the interviews.</p> <p>24 Q. Let me hand you Exhibit 4. 25 (Whereupon, Meta-Bejar Exhibit 4 was</p>	<p style="text-align: right;">Page 61</p> <p>1 in the work that -- working within this framework or 2 methodology was good for the community and well 3 received by every party involved. And so, I mean, 4 that's what the article really talks about, is, 5 like, you know, a lot of the harm, the people that 6 cause it, that's not their intention, and maybe you 7 should let them know that that is the case. Again, 8 not always, because bad stuff happens.</p> <p>9 And I think that made them put the 10 headline, but I think, as I said, I'm a little 11 embarrassed about the title.</p> <p>12 Q. It states: Of Facebook's 7,185 employees, 13 Arturo Bejar may have the most difficult job.</p> <p>14 Do you see that?</p> <p>15 A. Yeah.</p> <p>16 Q. Did you think you had a difficult job?</p> <p>17 A. I thought it was an extraordinary 18 opportunity to be of service to help pay Steve back.</p> <p>19 Q. When you say Steve --</p> <p>20 A. Steve Wozniak.</p> <p>21 Q. Meaning what?</p> <p>22 A. Well, in all of my time with Steve 23 Wozniak, he was always kind to people and he always 24 was very thoughtful about trying to do the right 25 thing. And he helped anybody that would come up to</p>

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<p style="text-align: right;">Page 62</p> <p>1 him. This random kid from Mexico, right. I mean, 2 why would he support me in, like, paying for my 3 university? 4 And so then I always took the job as an 5 opportunity to help people with the stuff that was 6 going to happen no matter how bad it was. And 7 that's what protect and care was built to do, is to 8 help people with the things that can happen in life. 9 Q. Have we talked generally, and we can talk 10 more about it later, but about your work that you 11 did during your first stint at Meta related to child 12 safety issues? 13 A. I think we have talked about it in detail. 14 Q. Okay. And when you -- strike that. 15 You left Meta in 2015, right? 16 A. Uh-huh. 17 Q. Why did you leave? 18 A. My marriage was -- had fallen apart over 19 the preceding months. And I separated in January. 20 And I was trying to balance parenting and work. And 21 it was really clear to me that I wasn't going to be 22 able to do either of them well enough because of the 23 responsibility of this job. 24 And so I felt that there was a good 25 framework in place. I felt there was a really good</p>	<p style="text-align: right;">Page 64</p> <p>1 Facebook app basically dominating social media? 2 A. Absolutely. 3 MR. CARTMELL: How long have we been 4 going? 5 TRIAL TECHNICIAN: Hour and two. 6 MR. CARTMELL: Do you mind if we take a 7 break? Ten minutes, real quick? 8 MR. WARD: That's fine. 9 THE VIDEOGRAPHER: The time is 10:22. 10 We're off the record. 11 (Whereupon, a brief recess was taken.) 12 THE VIDEOGRAPHER: The time is 10:38. 13 We're back on the record. 14 BY MR. CARTMELL: 15 Q. Mr. Bejar, we're back on the record after 16 a short break. 17 Are you ready to proceed? 18 A. I am ready. 19 Q. Okay. So we were talking about you 20 leaving Meta in 2015, given the family -- your 21 family circumstances. 22 Do you recall that? 23 A. I do. 24 Q. Before we move on I want to ask, though, 25 when you left Meta in 2015 did you feel like you had</p>
<p style="text-align: right;">Page 63</p> <p>1 team that was tackling these issues in a way that 2 would make me feel good about giving my kids 3 Instagram or Facebook when they were old enough. 4 And so then I left so that I could focus on spending 5 time with my teenagers and sort of look at the rest 6 of my life. 7 Q. When you left Meta in 2015, how old were 8 your kids? 9 A. My daughter was 11 and my son was, like, 10 14. 11 Q. Okay. You mentioned that you felt good 12 about the safety framework that you thought was in 13 place at Facebook; is that right? 14 A. That's right. I mean, I think for me the 15 work always was creating an environment that would 16 be good for all of our kids. 17 Q. Just for context, when you left in 2015, 18 was there much competition from the big social media 19 companies like TikTok or Snap, those other companies 20 at that time? 21 A. No, no. Facebook and Instagram were where 22 it was all at. So Facebook and Instagram were where 23 it was at. Sorry. Like, they were like -- they had 24 won the internet at that point. 25 Q. At the point you left in 2015, was the</p>	<p style="text-align: right;">Page 65</p> <p>1 the trust of the senior executives? 2 A. Yeah, I did. I had a very moving 3 conversation with Sheryl on the way out. She was 4 very kind and supportive about what I was going 5 through. 6 Q. And what about with respect to very 7 important, time-sensitive projects that Meta had? 8 Were they -- were you somebody that they trusted 9 with those types of projects? 10 A. Yeah, absolutely. You mean in my first 11 stint did -- 12 Q. Yes. 13 A. -- they entrust me with -- like it was 14 something important? Yeah, they did. Yeah. 15 Q. Why don't you tell us about that? 16 A. I mean, a couple of examples from my first 17 stint are there was a time at which there were a lot 18 of people upset with Meta because of privacy 19 settings, that the privacy controls were too 20 complicated. I think there was something happening 21 in Canada as well. 22 And Mark decided that they were going to 23 rewrite the code that dealt with privacy and give 24 people a better interface to deal with it, like a 25 master switch that you could be, like, I want to</p>

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<p style="text-align: right;">Page 66</p> <p>1 take my account from public to private. 2 So they got two of the best engineers in 3 the company, a really -- a product manager named 4 Naomi Gleit. I was the engineering manager in the 5 room. And we had two weeks from, like, when Mark 6 called us to when the company was going to announce 7 this new privacy control. So that was one of the 8 examples. 9 There was also lockdowns, which is sort of 10 the company name for all hands on deck from some 11 part of the company. Mark watches it really 12 closely. And then they were, like, we need to go do 13 something incredibly important in, like, 30 days. 14 And they even had a neon sign for when the lockdown 15 was happening. 16 So there was -- when Google+ came out 17 there was a lockdown. And there were six areas of 18 the company that got tapped to do meaningful work 19 during that time. And I was one of the six leaders 20 that they tapped for dealing with issues of both 21 integrity, as well as what became the compassion 22 work was originated in that lockdown. 23 Q. When you mention Mark, you are talking 24 about Mark Zuckerberg? 25 A. Correct. When I say Mark I mean Mark</p>	<p style="text-align: right;">Page 68</p> <p>1 their best to protect kids who are using their 2 social media apps? 3 A. Yes, I do. 4 Q. Do you agree that user safety, including 5 teen safety, needs to be the top priority for social 6 media companies like Meta? 7 A. I do. If you are doing something that you 8 know it's going to be used by teens, you have such a 9 responsibility to make it safe for them. 10 Q. Let me ask you, do you believe if a social 11 media company like Meta knows that kids are being 12 harmed on its app, the social media company should 13 make its top priority the prevention of those harms 14 to kids? 15 A. Absolutely. 16 Q. And should the social media company take 17 swift action to try to prevent those harms to kids? 18 A. Absolutely. 19 Q. Let me ask you something about warnings. 20 Tell me if you agree or disagree with this. 21 If a social media company like Meta knows 22 that kids are at risk of harm from use of its apps, 23 should the social media company inform the users and 24 the public about those risks? 25 A. Yes, I agree.</p>
<p style="text-align: right;">Page 67</p> <p>1 Zuckerberg. 2 Q. And that sort of work that they would task 3 you for, did that give you faith or a belief that 4 actually the senior executives had a lot of trust in 5 you? 6 MS. JONES: Excuse me. Objection to the 7 foundation. 8 Go ahead. 9 THE WITNESS: Like, from the interview I 10 had with Mark Zuckerberg throughout the first six 11 years I was there, I felt I had the trust and could 12 approach him; Chris Cox, the head of product; Schrep 13 my manager; directly, Sheryl Sandberg. I could 14 approach any of them at any point. They would 15 approach me whenever they had issues they had to 16 work through. So I felt that there was trust and a 17 good working relationship with all of them. 18 BY MR. CARTMELL: 19 Q. I want to talk about after you left, but 20 before I do that I want to ask you some questions 21 about your opinions and beliefs that you have as a 22 30-year-plus now online user safety expert. Okay? 23 A. Correct, yes. 24 Q. First of all, do you believe it's 25 important for social media companies like Meta to do</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. For example, do you believe that if a 2 social media company like Meta knows that its social 3 media app may increase kids' risk of mental health 4 issues, should the social media company inform the 5 public, including parents, about that risk? 6 A. Yes, they should. 7 Q. Do you believe it's important that a 8 social media company inform users and the public of 9 the harms its apps cause or contribute to cause so 10 that people can make informed decisions about 11 whether or not to use the social media app? 12 A. I think it's absolutely essential. Like, 13 as a parent, I want to know how safe something is 14 before I hand it to my kids. 15 Q. Let's talk about the time that you were 16 away from Meta from 2015 to 2019. Okay? 17 A. Okay. May I add one quick thing on what 18 you just asked me? 19 Q. Well, let me ask you a question. Do you 20 have something to add to your last response? 21 A. I do, yes. I have something to add to my 22 last response. 23 Q. Go ahead. 24 A. Which is -- and this is not just specific 25 to safety. I mean, this has been the playbook for</p>

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<p style="text-align: right;">Page 70</p> <p>1 security for as long as I have been in the industry, 2 which is when you are aware that somebody is 3 experiencing a harm, you have to immediately address 4 it. And if you are aware that they got hacked or 5 something bad happened to them, you have to let them 6 know and you have to send -- again, be transparent 7 about these issues. So this is not just specific to 8 safety. It's about security and safety of people 9 online. 10 Q. When you left Meta in 2015, did you 11 continue to work at all? 12 A. I did some consulting that would fit 13 within my obligations as a parent. 14 Q. What type of consulting? 15 A. Consulting on security and safety. The 16 areas that I have a lifetime of expertise on. 17 Q. Give us some examples of the type of 18 consulting you did during that time? 19 A. So Airbnb was, like, starting its efforts 20 for protecting both the people who rent and the 21 people who host. And so they brought me in to talk 22 with, like, the team, the product managers, the 23 engineering managers, and talk about how is it that 24 you could sort of improve those efforts. They also 25 had me mentor their -- the person who was on track</p>	<p style="text-align: right;">Page 72</p> <p>1 criticized the company from the outside. I wanted 2 to be somebody who kind of went back in and 3 understood what was going on and tried to make it 4 better. 5 And so if I was feeling, like, oh my god, 6 they should be doing this differently, I directed 7 that to going back in and looking at what was going 8 on. 9 Q. Was your daughter's experience unique? Do 10 you know? 11 A. No. So one of the most surprising things, 12 when I was first learning of these issues, is I 13 would ask her, well, what about all of your friends? 14 And it turns out that all of her friends were having 15 similar experiences. 16 And so you began getting a glimpse of the 17 life of a teenager within this context. And I would 18 see, like, exchanges happening that would make her, 19 like, really anxious. I would see sometimes 20 somebody would make a comment that she would be so 21 upset, like they would come at me crying. I'm 22 really grateful that she would talk to be about 23 these things because I think a lot of kids don't. 24 And all the time I would be asking, like, 25 did you try reporting them? How is the tool</p>
<p style="text-align: right;">Page 71</p> <p>1 to be their CSO. 2 Q. And then you were spending, I take it, a 3 lot of time with your daughter -- daughters and -- 4 strike that. 5 And you were spending a lot of time with 6 your kids; is that right? 7 A. Yeah. I would pick them up from school, 8 help with homework, with my son and my daughter. 9 Q. At some point did you start thinking about 10 returning to Meta? 11 A. Yeah, I did. 12 Q. What gave rise to that? 13 A. So when my daughter was 14, she went on 14 Instagram. And I would make sure we had, like, a 15 good dialogue about everything that happened to her. 16 And she started to tell me stories about things that 17 she shouldn't be experiencing, like unwanted penis 18 pictures or people asking for sex. And this is when 19 she was 14. And I would ask her what did you do? 20 Did you try to report it? And, I mean, there is a 21 whole arc of things that I discussed with her that 22 happened. 23 And then the other thing is I saw a lot of 24 criticism about the company coming from the outside. 25 And to be honest, I didn't want to be somebody who</p>	<p style="text-align: right;">Page 73</p> <p>1 helping? How are these things happening? And she 2 tried, and she didn't get any help. There was -- 3 she would try reporting these Chats or the things 4 that she was experiencing, and she just wasn't 5 getting any help. And that was important, so 6 important. 7 Q. Let me ask you that. So you and your 8 daughter would discuss that she needed to report 9 those types of things? 10 A. Yeah. She would come up to me and say, 11 Dad, like, somebody sent me a message asking for 12 sex, right. Who was it? Oh, it was like a friend 13 of a friend, like a kid in the school nearby. It 14 wasn't like an adult that had slid into her direct 15 messaging. 16 I mean, the way Instagram works is you 17 have a directory with pictures, and then you can be 18 like oh, you're friends with her. I'm going to 19 slide into her DMs, right, to look at the picture, 20 send the message. And that -- you think that that 21 is somebody in another school. 22 And so I kept asking her a little bit more 23 detail. She was like, yeah, you know, it's just a 24 boy in another school, and she is sending me these 25 things. And to be honest, when I started hearing</p>

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<p style="text-align: right;">Page 74</p> <p>1 about the unwanted penis pictures, I was, like, what 2 did you do? And she said, I tried to report it, but 3 I couldn't. Like, how come you couldn't. Tried it. 4 So I sat down with her. And there was not 5 an option that could say this is an unwanted -- 6 like, in language that works for her. Because we 7 learned during the work in the first stint that 8 designing a product that a teenager uses, a key part 9 of that is using the language they use. 10 And so I saw that. And I was, like, how 11 did you not stop that? How -- so I asked her, like, 12 what do you do when it happens? And she was, like, 13 I just block them. And you think that works? And 14 she was, like, No. Because they just move on to the 15 next person and send that. 16 And so it was really -- I don't know -- 17 like, I have learned when I was working on all of 18 these issues that if it is happening to one person, 19 it's happening to a million or 2 million or 3 20 million people. 21 Q. Let me ask you about that. Your daughter, 22 you said, she would report it, and were they -- my 23 question is were they responding from Meta or not? 24 A. Most of the time they wouldn't respond at 25 all. And when they did respond, they would respond</p>	<p style="text-align: right;">Page 76</p> <p>1 when press would contact me, I would contact PR and 2 be, like, is there anything I should know here? So 3 I would coordinate with their PR while I was not an 4 employee or contractor. 5 Q. Now, you had not worked really much on 6 child safety at Instagram when you left in 2015, 7 correct? 8 A. That's correct. I was focused on 9 Facebook. 10 Q. Okay. So let's talk about you returning 11 to Meta. 12 How did that specifically come about? 13 A. Yeah. So I believe [REDACTED] 14 introduced me to [REDACTED]. And I went to have a 15 conversation with them where I had talked about some 16 of the lessons learned developing the framework that 17 we talked about. And Yoav was like, oh my god, 18 that's, like, really interesting. I didn't know 19 anything about this. Which was I think, in 20 hindsight, a little bit of a -- something to make a 21 note of. 22 Q. Let me ask you, who was Mr. [REDACTED] 23 A. Yoav [REDACTED] was the engineering leader 24 for the well-being team on Instagram. The 25 well-being team being the team for Instagram that</p>
<p style="text-align: right;">Page 75</p> <p>1 saying this doesn't violate any of our policies, our 2 community standards or guidelines. 3 Q. Okay. Were you keeping in contact with 4 your contemporaries you worked with at Meta during 5 this period of time? 6 A. I was, yes. During this time I wrote an 7 e-mail to Schrep and Andrew Bosworth, who I worked 8 with closely, saying I'm really concerned with some 9 of the things I'm seeing, and I'm thinking of 10 sending a note to Mark Zuckerberg outlining some 11 things that could be different to make things 12 better. So I had that exchange with them. 13 [REDACTED] who, when I was in my first 14 stint working on protect and care, had been the head 15 of user research for protect and care, reporting to 16 me, had now become the head of user research for 17 Instagram. And so I would exchange messages with 18 him about his experiences there. And he was very -- 19 very -- he was like, oh you need to come back. We 20 really need some of the stuff. 21 I mean, and I say you need to come back. 22 The stuff is not about me, right. It's about sort 23 of how do you understand and address harm 24 effectively. And so Pete told me about that. 25 And I probably had other contacts. Like,</p>	<p style="text-align: right;">Page 77</p> <p>1 focused on these kinds of issues that have to do 2 with the harm that teenagers experience on the 3 platform. 4 Q. Did you and Mr. [REDACTED] have lunch? 5 A. I believe so. 6 Q. And did Mr. [REDACTED] ask you to come talk 7 to his well-being team? 8 A. Yeah, he did. 9 (Whereupon, Meta-Bejar Exhibit 5 was 10 marked for identification.) 11 BY MR. CARTMELL: 12 Q. Mr. Bejar, I have handed you Exhibit 5, 13 which is a document that Meta produced in this case 14 from your file. 15 Do you see that? 16 A. I do. 17 Q. This is a -- an e-mail from [REDACTED] to 18 several individuals, including Mr. [REDACTED] about 19 the subject "Chat with Arturo Bejar." 20 Do you see that? 21 A. I do. 22 Q. This is in August of 2019. Would that -- 23 is that right? 24 A. That's correct. 25 Q. Would that be before you returned to Meta?</p>

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<p style="text-align: right;">Page 78</p> <p>1 A. Yeah.</p> <p>2 Q. It states: Hi, Well-Being Research fam.</p> <p>3 Yoav has set up an amazing opportunity for our team</p> <p>4 to chat with Arturo Bejar, who led Facebook PAC --</p> <p>5 is that protect and care?</p> <p>6 A. Correct.</p> <p>7 Q. -- who led Facebook PAC from its beginning</p> <p>8 for six years. He has a lot of insight learned</p> <p>9 across integrity and well-being and has been</p> <p>10 gracious enough to offer to chat with us about some</p> <p>11 of those insights, research learnings, and</p> <p>12 opportunities. Please try to attend if you can.</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. And then there is sort of a little bio</p> <p>16 paragraph about you below that; is that right?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. So this is about a meeting that is</p> <p>19 going to happen, and you are going to actually go in</p> <p>20 to Meta and meet with the well-being team; is that</p> <p>21 right?</p> <p>22 A. Yeah.</p> <p>23 Q. And did you actually go in and do that?</p> <p>24 A. I did, yes.</p> <p>25 Q. Now, at this period of time had you made a</p>	<p style="text-align: right;">Page 80</p> <p>1 care team and to talk about lessons learned in</p> <p>2 developing and applying this framework.</p> <p>3 Q. Okay. If you look at the second page of</p> <p>4 Exhibit 6, there is actually an -- well, actually --</p> <p>5 strike that.</p> <p>6 Let's go back to page 1. I apologize.</p> <p>7 Exhibit 6, it states: Random meeting</p> <p>8 notes.</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Okay. I will represent to you that</p> <p>12 this -- these are notes that came out of Ms. [REDACTED]</p> <p>13 custodial file. Okay? You need to respond.</p> <p>14 A. Correct.</p> <p>15 Q. Okay. If you go to the second page, there</p> <p>16 is actually an entry from August 15th of -- I will</p> <p>17 tell you that's 2019.</p> <p>18 Is that consistent with your memory?</p> <p>19 A. Yes, it is.</p> <p>20 Q. It states: Well-being research chat with</p> <p>21 on Arturo Bejar.</p> <p>22 Do you see that?</p> <p>23 A. Correct.</p> <p>24 Q. And if you -- take a second if you need</p> <p>25 to. If you look at these notes, do they reflect</p>
<p style="text-align: right;">Page 79</p> <p>1 decision yet regarding whether or not you were going</p> <p>2 to return to Meta?</p> <p>3 A. I had not. I was very open to it, but I</p> <p>4 had not made the decision yet.</p> <p>5 MR. CARTMELL: Let me hand you Exhibit 6.</p> <p>6 (Whereupon, Meta-Bejar Exhibit 6 was</p> <p>7 marked for identification.)</p> <p>8 BY MR. CARTMELL:</p> <p>9 Q. Before I ask you about Exhibit 6, let me</p> <p>10 ask you a few questions.</p> <p>11 This meeting on August 15th of 2019, if</p> <p>12 you look back, was [REDACTED] one of the recipients</p> <p>13 of that invite and attendees?</p> <p>14 A. Yes, yes she was.</p> <p>15 Q. And do you have a recollection of this</p> <p>16 meeting that you had inside Meta before you actually</p> <p>17 went back to work there?</p> <p>18 A. I do, yes.</p> <p>19 Q. Okay. Was [REDACTED] there?</p> <p>20 A. Yes, she was.</p> <p>21 Q. And what was the general nature of why you</p> <p>22 were going in to talk to the well-being team at Meta</p> <p>23 in August of 2019?</p> <p>24 A. It was to share this framework that we had</p> <p>25 developed and applied for as part of the protect and</p>	<p style="text-align: right;">Page 81</p> <p>1 sort of the conversation that you were having with</p> <p>2 the well-being team before you returned to Meta in</p> <p>3 2019?</p> <p>4 A. Yeah, it does. Right. I mean, if you</p> <p>5 have a reporting flowing tool and the action rate is</p> <p>6 low, you have a bad reporting flow. I believe that.</p> <p>7 And I have a lot of experience with that. Yeah.</p> <p>8 These are all things that I have been talking about</p> <p>9 for years.</p> <p>10 Q. Okay. Let's -- strike that.</p> <p>11 Let me ask you about what you just</p> <p>12 mentioned. It's the first bullet point, I think.</p> <p>13 It says: If you have a reporting flow and</p> <p>14 the action rate is low, you have a bad reporting</p> <p>15 flow.</p> <p>16 What does that mean?</p> <p>17 A. So what it means is that, if you think</p> <p>18 about a reporting flow, as you are telling the</p> <p>19 company, like, somebody is selling drugs, for</p> <p>20 example, and the company reviews the report. Some</p> <p>21 of them is going to say there is nothing wrong --</p> <p>22 there is nothing we can see there that was violating</p> <p>23 our community guidelines. In some of the cases they</p> <p>24 are going to be like, yep, to our definition of our</p> <p>25 community guidelines, that breaks the rules, and</p>

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<p style="text-align: right;">Page 82</p> <p>1 that is called an action. 2 So if you have like a hundred reports and 3 you act on six or seven of them, that's a low action 4 rate. And usually that means that the reporting 5 tool is wrong in some way. 6 For example, when I was working on these 7 issues on my first stint, we saw that in Latin 8 America the action rate for hate -- somebody saying 9 this is hate speech, right, we all have an idea of 10 that. That was like around 5 percent or 3 -- within 11 3 and 5 percent. And it turns out that where people 12 were reporting were not saying, like, kill this set 13 of people or directed at that. It had more to do 14 with issues around the football team or other areas. 15 And so if you added an option that says 16 this insults something that is really important for 17 me, people use it, and the action rate goes to, 18 like, 30 or 40 percent. And because that's kind of 19 how you know that the right report is in the right 20 place, because it shouldn't be three or five or 21 seven out of a hundred. It should be much higher 22 than that. 23 And so if you have a low action rate, it 24 tells you that you need to go improve the tools you 25 give people to report issues.</p>	<p style="text-align: right;">Page 84</p> <p>1 you are saying, if I understand, is you are telling 2 the company that you want a high action rate. In 3 other words, you want lots of reporting, because 4 that's important, and then you want the company to 5 take action on those reports. 6 Is that what you were saying? 7 A. Yes, that's what I was saying. 8 MS. JONES: I'm sorry, Mr. Bejar. Just 9 note my objection. 10 THE WITNESS: I'm sorry. I apologize. 11 MS. JONES: No, no. My apologies. 12 Go ahead. 13 Object to the form. 14 BY MR. CARTMELL: 15 Q. You can answer. 16 A. Okay. There are two things that really 17 matter when you look at an application like this, 18 like Instagram, and the reporting functionality that 19 you offer people. One of them is of the people who 20 start, how many complete. And that's a really 21 important number because that tells you people are 22 using the tool. 23 And then the second one is what is the 24 action rate on the things that get submitted to 25 people or computers to review. Because that will</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Was it your understanding at this time in 2 August 2019 from the well-being team that in fact 3 Meta on the Instagram app had a low action reporting 4 flow? 5 MS. JONES: Let me object to foundation. 6 THE WITNESS: So before I -- before I 7 started, I had no visibility about that data. All I 8 had was people who had told me that they reported 9 something and no action had been taken. 10 BY MR. CARTMELL: 11 Q. Okay. I understand. So I want to make 12 sure that the jury really understands a reporting 13 flow. 14 Am I right that on the Instagram app there 15 is a mechanism where a kid, for example, if they 16 have a bad experience, something they feel is a 17 negative experience or a harmful experience, they 18 are given an option to report that to the company? 19 A. That's correct. If they are on the 20 Instagram app, if you get a photograph, a video, or 21 a message, you can push something that then brings 22 up the little red report text. You hit that, and 23 you get presented with a menu of things to pick 24 from. 25 Q. Okay. We will talk about that. And what</p>	<p style="text-align: right;">Page 85</p> <p>1 tell you again -- it's like the canary in a coal 2 mine. It tells you that you might have deeper 3 issues there if the action rate is low. 4 Q. Okay. I want to go down to the middle of 5 the page. It's the second bullet point, the most 6 left bullet point. 7 It says "to get leadership attention." 8 Do you see that? 9 A. I do, yes. 10 Q. It states "to get leadership attention, 11 ask the questions we're afraid to ask - for example, 12 mental health questions, are you lonely, are you 13 using Facebook instead of hanging out with your 14 friends, are you really upset." 15 Do you see that? 16 A. I do, yes. 17 Q. Why are you talking about that? 18 A. Those are, like, the most important 19 questions you have to ask to understand what it is 20 that you need to work on. 21 Q. Now, you say "to get leadership 22 attention," right? Why do you say that? 23 A. The only way, in my experience at Meta, to 24 get things substantially resourced was if you had a 25 very strong case based on data. So if you were able</p>

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<p style="text-align: right;">Page 86</p> <p>1 to say accurately we asked teenagers using Instagram</p> <p>2 if they were feeling worse about themselves after</p> <p>3 spending an hour on the app and, let's say,</p> <p>4 10 percent of them said yes. That is, like,</p> <p>5 incredible data that you can then take to an</p> <p>6 executive and say, hey, we need to work on this.</p> <p>7 And so you have to ask questions that you</p> <p>8 might not want to ask about bad experiences or harm</p> <p>9 so that you can then get representative data that is</p> <p>10 solid enough to bring to the attention of leadership</p> <p>11 so that they can resource. And you want to ask</p> <p>12 these questions over time to know whether the</p> <p>13 changes that you're doing make these areas better.</p> <p>14 Q. You mentioned 10 percent of, for example,</p> <p>15 kids may have a problem. If that's the case, is</p> <p>16 that on Instagram millions and millions of kids?</p> <p>17 A. Exactly. That's --</p> <p>18 MS. JONES: Excuse me.</p> <p>19 THE WITNESS: Sorry.</p> <p>20 MS. JONES: Objection. Foundation.</p> <p>21 Go ahead.</p> <p>22 THE WITNESS: Okay. Sorry. I'll give a</p> <p>23 little more space.</p> <p>24 MS. JONES: If you give me a beat, it will</p> <p>25 help me not interrupt you.</p>	<p style="text-align: right;">Page 88</p> <p>1 Do you see that?</p> <p>2 A. I do, yes.</p> <p>3 Q. What are you talking about there when you</p> <p>4 told the well-being team that?</p> <p>5 A. So every -- in an app like Instagram, you</p> <p>6 see the videos, you see photos, you see the little</p> <p>7 heart at the top, you see messages, all of those are</p> <p>8 teams of people. And all of those teams of people,</p> <p>9 they do things -- their compensation is based on how</p> <p>10 much people use what they build.</p> <p>11 And so you set goals based on metrics and</p> <p>12 you say how many people watch this over how much</p> <p>13 time. How many people clicked on the heart when it</p> <p>14 turned a little red on top.</p> <p>15 And so Meta and Instagram are, like, some</p> <p>16 of the most accomplished people in the world at</p> <p>17 creating products and features that people want to</p> <p>18 use. But instead they tap videos that you spend</p> <p>19 time looking at. And that's woven into how every</p> <p>20 team works.</p> <p>21 It was woven there from my very first</p> <p>22 stint where you send a birthday notification to</p> <p>23 somebody because you know it will bring them back</p> <p>24 into the product and they're going to be spending</p> <p>25 time there. And it was woven to every aspect of the</p>
<p style="text-align: right;">Page 87</p> <p>1 Go ahead.</p> <p>2 THE WITNESS: Okay. Will do.</p> <p>3 BY MR. CARTMELL:</p> <p>4 Q. You can answer.</p> <p>5 A. Thank you.</p> <p>6 Q. You want me to re-ask it?</p> <p>7 A. Yes, please.</p> <p>8 Q. Okay. And just specifically, you</p> <p>9 mentioned harms being in the range of 10 percent,</p> <p>10 that there is data that suggests that. On</p> <p>11 Instagram, as of this time, that could be millions</p> <p>12 and millions of kids; is that correct?</p> <p>13 MS. JONES: Objection to the form. And</p> <p>14 foundation.</p> <p>15 Go ahead.</p> <p>16 THE WITNESS: That's correct. And on</p> <p>17 Instagram, something that affects 1 percent of teens</p> <p>18 affects so many kids that it's important to</p> <p>19 understand it and mitigate it.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. You mentioned here, under that,</p> <p>22 integrity -- strike that.</p> <p>23 It states, under that, "integrity needs to</p> <p>24 be woven into the DNA of the company, the way that</p> <p>25 growth or engagement is."</p>	<p style="text-align: right;">Page 89</p> <p>1 Instagram team.</p> <p>2 Now, I know from my experience working on</p> <p>3 security at Yahoo! and then my first stint at Meta,</p> <p>4 that things like safety, security, integrity, they</p> <p>5 kind of have to be part of the way teams work</p> <p>6 because otherwise you create attention, right, a</p> <p>7 push and pull to do things.</p> <p>8 And so the right way to go about this in</p> <p>9 terms of prioritization is that if you're developing</p> <p>10 a product that is recommending videos or something</p> <p>11 like that, there has to be, like, what are the</p> <p>12 safety implications of this. It has to be really</p> <p>13 thought through and it has to be built into the way</p> <p>14 the thing is built.</p> <p>15 And that's what I mean by it needs to be</p> <p>16 woven. It needs to be not just a consideration but</p> <p>17 one of the core considerations when you're creating</p> <p>18 something in particular that's going to be used by</p> <p>19 teenagers, right. I think that the standard is much</p> <p>20 higher when you know that teens or little kids are</p> <p>21 going to be using your product.</p> <p>22 MS. JONES: I'm just going to object to</p> <p>23 the narrative and to the nonresponsive answer.</p> <p>24 BY MR. CARTMELL:</p> <p>25 Q. Yeah. I'll try to ask you specific</p>

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<p style="text-align: right;">Page 90</p> <p>1 questions, but let me go back and follow up on that.</p> <p>2 A. Yeah.</p> <p>3 Q. When you say that -- strike that.</p> <p>4 When it says here "integrity needs to be</p> <p>5 woven into the DNA of the company," are you talking</p> <p>6 about safety?</p> <p>7 A. I am, yes.</p> <p>8 Q. Okay. And it says that safety then needs</p> <p>9 to be woven into the DNA of the company the way that</p> <p>10 growth or engagement is?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. And at this time you're not back at</p> <p>13 Meta, right?</p> <p>14 A. That's correct.</p> <p>15 Q. Do you know at this time whether or not</p> <p>16 Meta is prioritizing engagement and growth over</p> <p>17 safety?</p> <p>18 A. Not yet.</p> <p>19 Q. Okay. We'll talk more about that.</p> <p>20 Then you -- if you go down a couple bullet</p> <p>21 points, the notes state "how do you motivate this</p> <p>22 work?"</p> <p>23 Do you see that?</p> <p>24 A. I do, yes.</p> <p>25 Q. [As read]:</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Remind us the date that you started your</p> <p>2 second stint at Meta.</p> <p>3 A. It was, I believe, in October of 2019.</p> <p>4 (Whereupon, Meta-Bejar Exhibit 7 was</p> <p>5 marked for identification.)</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Following your meeting that you had with</p> <p>8 the well-being team at Meta in August of 2019, did</p> <p>9 you then start having conversations with Meta</p> <p>10 representatives about returning to work?</p> <p>11 A. I did, yes.</p> <p>12 Q. I've handed you Exhibit 7, which is an</p> <p>13 e-mail string that was provided to us by Meta in</p> <p>14 this litigation from your files. Take a second if</p> <p>15 you need to but I want to ask you some questions</p> <p>16 about -- strike that.</p> <p>17 I was just pointed out something.</p> <p>18 Let me ask the question again.</p> <p>19 I'm handing you Exhibit 7, Mr. Bejar,</p> <p>20 which is an e-mail string between you, it looks</p> <p>21 like, and [REDACTED].</p> <p>22 Do you see that?</p> <p>23 A. I do, yes.</p> <p>24 Q. And the date is August 27, 2019?</p> <p>25 A. That's correct.</p>
<p style="text-align: right;">Page 91</p> <p>1 How do you motivate this work? Ask people</p> <p>2 what the worst stuff on Facebook is, what do you</p> <p>3 hate most about Facebook. Measure reach of those</p> <p>4 things. Show the m-team that people hate those</p> <p>5 things, that they have high reach, but that they're</p> <p>6 allowed within policy."</p> <p>7 Are you referring there in general to</p> <p>8 understanding the extent of the harm that, for</p> <p>9 example, kids are having on the app?</p> <p>10 A. Yes, I am.</p> <p>11 MS. JONES: Counsel, just -- I'm simply</p> <p>12 objecting because this is a highly confidential</p> <p>13 document for which Mr. Bejar was not the custodian.</p> <p>14 (Reporter clarification.)</p> <p>15 MS. JONES: I think the guidance from</p> <p>16 Judge Kahn is that the bounds of the document has to</p> <p>17 be redacted to the extent that you have not</p> <p>18 established a foundation for the rest of it. I</p> <p>19 don't think it has to happen now, obviously, but</p> <p>20 just noting that for the record.</p> <p>21 MR. CARTMELL: Okay. Thank you.</p> <p>22 Q. Do these notes appear to accurately</p> <p>23 summarize the meeting you had with the well-being</p> <p>24 team at Meta in August of 2019?</p> <p>25 A. They do.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. The subject is "Next steps."</p> <p>2 Do you see that?</p> <p>3 A. I do, yes.</p> <p>4 Q. This was, I believe, produced by you in</p> <p>5 this case. Is that your understanding?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Let me ask you some questions about</p> <p>8 this first e-mail from you to Mr. [REDACTED] --</p> <p>9 actually, I want to go to the second page.</p> <p>10 The date is August 27, 2019, and you are</p> <p>11 e-mailing Mr. [REDACTED] "Next steps," right?</p> <p>12 A. Yeah, I am.</p> <p>13 Q. It states, "Hi [REDACTED] I wanted to follow up</p> <p>14 on the visit, I think in hindsight my listening to</p> <p>15 speaking ratio might have been off."</p> <p>16 What did you mean by that?</p> <p>17 A. I mean that -- the work in the space is</p> <p>18 primarily about listening and understanding. And I</p> <p>19 was worried that I spent too much time talking about</p> <p>20 my prior experience and not enough time listening</p> <p>21 and understanding their experience.</p> <p>22 Q. You say, "If you and the teams are</p> <p>23 interested, I would like to visit again with the</p> <p>24 goal to listen and ask questions. I would also like</p> <p>25 to continue the conversation you and I started.</p>

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<p style="text-align: right;">Page 94</p> <p>1 "Also, if there is interest in deeper 2 engagement, including some of the folks I know who 3 would be helpful, we can discuss that too." 4 Do you see that? 5 A. I do, yes. 6 Q. The conversation that had been started, 7 what do you recall about that? 8 A. It was about me coming back in in some 9 form or shape that would work for everybody. 10 Q. If you go to the response on the first 11 page from Mr. [REDACTED] to you, he states "Hi! Thanks 12 for reaching out! We'd love to engage formally and 13 more. I got amazing feedback from the teams. Your 14 ratio and everything else was fine." 15 That's his response to you; is that right? 16 A. That's correct. 17 Q. Okay. And then did you all start talking 18 about a consulting arrangement? 19 A. Yes, we did. 20 Q. Tell us about that. 21 A. Yeah. The idea was for me to go back in 22 part time and work with different people in the 23 well-being team working on the topics that had been 24 covered in that lunchtime meeting that I had with 25 them. So taking advantage of the lessons that we</p>	<p style="text-align: right;">Page 96</p> <p>1 page, you and Mr. [REDACTED] are talking about setting 2 up a contract for you to consult. 3 And you say "it takes time to get the 4 contract set up, we can spend time at no charge 5 until the contract comes through (so there is no 6 conflict with retroactive fees), so that we can move 7 fast and support the work that is going on, which is 8 the most important thing." 9 What did you mean by that? 10 A. I wanted to start as soon as they could 11 have me because this stuff is time-sensitive and the 12 earlier you start working on it, the more you can 13 do. 14 Q. You mentioned that there were things in 15 the news that -- about Meta that helped influence 16 you or make you decide to go back. 17 What were those things? 18 A. I had begun seeing reports of addiction 19 and kids having -- experiencing harm out of the time 20 that they spent and some of the things that they 21 were experiencing in the product. 22 I was also really worried about 23 divisiveness in other areas. And so I was really -- 24 I mean, I think, as I had said before, like, you 25 kind of have a responsibility to do these things,</p>
<p style="text-align: right;">Page 95</p> <p>1 had learned at the company working on these issues 2 in my first stint. And then helping mentor young, 3 smart, really talented people who cared about this 4 stuff in how to navigate being a successful worker 5 in this field. 6 Q. And why was it at this time that you were 7 interested in going back to Meta after four years 8 being away? 9 A. It was a combination of the experience 10 that my daughter was having, some of the things I 11 was seeing in the news, and I was kind of really 12 feeling that there was something that wasn't quite 13 right because things that I would have expected or 14 hoped the company would do well or help with in 15 terms of reporting tools and -- and the things 16 that -- the tools I gave kids, like my daughter and 17 other kids. 18 And so I wanted to start by listening, 19 right. You can't go back into this -- yeah. 20 Q. Well, let me ask you this, was one of your 21 goals when you were going to return to Meta to try 22 to help increase safety measures on Instagram for 23 kids? 24 A. Absolutely. 25 Q. Okay. If you go to the top of the second</p>	<p style="text-align: right;">Page 97</p> <p>1 understand them, make future changes that make them 2 better. And I wasn't seeing that from the outside 3 so I wanted to go back in and understand and help 4 that. 5 Q. What was your understanding as to why Meta 6 wanted to hire you back? 7 A. I mean, I was an expert in the field at 8 this point. Like, even the first time they hired 9 me, I had a ton of experience already. So I think 10 they wanted the experience that I had and the 11 knowledge that I had in order to help the well-being 12 team. 13 (Whereupon, Meta-Bejar Exhibit 8 was 14 marked for identification.) 15 BY MR. CARTMELL: 16 Q. Why don't you take a minute to look at 17 Exhibit 8. 18 A. I'm going to have to get my reading 19 glasses at some point. 20 Q. Mr. Bejar, I've handed you Exhibit 8, and 21 this is a document that was produced by Meta in this 22 litigation. I want to ask you these questions. But 23 do you believe you have seen this document before? 24 A. Yeah, I believe I have. 25 Q. Okay. And do you believe that you may</p>

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<p style="text-align: right;">Page 98</p> <p>1 have been involved in reviewing this document as of 2 the time back in 2021 when this was put together? 3 A. Yes. 4 Q. If you look at the last page, the date, 5 the first entry at the bottom is, [REDACTED] 6 created the document March 2nd, 2021. 7 Do you see that? 8 A. I do, yes. 9 Q. Who is Mr. [REDACTED] 10 A. [REDACTED] was the head of engineering 11 for a good part of the Instagram engineering team. 12 He was Yoav's manager. And he was -- when I came 13 back I was reporting to him as -- in my contracting 14 role. And I had known him from my first stint. 15 Q. What is your understanding of what this 16 document is? 17 A. So initially, my engagement was supposed 18 to be six months' long. And then it became a year. 19 And it kept getting extended. But it is my 20 understanding that in California you can only do 21 that for so long before things get complicated for 22 the company. And so this was I think at 18 months 23 in, they asked the question of what if we are able 24 to turn you into a part-time employee so you can 25 continue the work ongoing.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. It says, "We are asking Arturo for 2 several deliverables towards Instagram Well-Being's 3 mission to create safe, supportive, and equitable 4 experiences that foster trust in Instagram." 5 A. Correct. 6 Q. Was that the mission? 7 A. That was the mission. 8 Q. Okay. The first paragraph states, "A 9 summary of insights from Arturo's experience as to 10 what data we need to collect, from whom, in what 11 formats, in order to understand what makes Instagram 12 users have bad experiences on the platform." 13 Did I read that correctly? 14 A. You did. 15 Q. Was your understanding when you came back 16 that you were going to try to give advice and 17 recommendations as an expert on what data the 18 company needed to understand the harms that kids 19 were having on Instagram? 20 A. Yes, it was. 21 Q. Second paragraph states "Survey designs." 22 Do you have expertise in survey design? 23 A. I do, yes. 24 Q. Are surveys something that you have been 25 involved with overseeing and developing and</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. So let me ask you, I want to make this 2 clear for context, you said you started back at Meta 3 in October of 2019; is that right? 4 A. Correct. 5 Q. And you had been gone from the company I 6 think since June of 2015; is that right? 7 A. Correct. 8 Q. And then you ended up working for Meta for 9 the next two years; is that right? 10 A. Correct. 11 Q. Until October of -- or the end of October 12 of 2021? 13 A. That's correct. 14 Q. And is this a document that talks about 15 your duties and responsibilities during that two 16 years? 17 A. Yes. 18 Q. Okay. Let me ask you some things about 19 this document and your duties and responsibilities 20 at Meta from 2019 to 2021. 21 Do you see on the first page, it says, 22 "Arturo Conversion," and then below that, it says, 23 "SOW Version." 24 Is that SOW, scope of work? 25 A. Correct.</p>	<p style="text-align: right;">Page 101</p> <p>1 implementing during your career? 2 A. Yes. 3 Q. Did that start way back in 2009 when you 4 were at the company? 5 A. Yes. 6 Q. Was one of your responsibilities when you 7 went back to Meta to help to develop and oversee and 8 implement surveys? 9 A. Yes. That's the first step. 10 Q. When I say "survey," I think I'm -- strike 11 that. 12 When you say "survey," what do you mean? 13 A. I mean, you ask people, did you experience 14 this in the last seven days. Where did it happen. 15 What did you do. How bad was it. And you use that 16 information to inform product changes in order to 17 get a better handle on the harm and then reducing 18 it. 19 Q. Okay. The next paragraph says [as read]: 20 Provide consulting to Instagram 21 Well-Being, central integrity and other 22 cross-function partners regarding the collection of 23 data. 24 Do you see that? 25 A. I do, yes.</p>

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<p style="text-align: right;">Page 102</p> <p>1 Q. Was that one of your responsibilities when 2 you returned in 2019 to Meta? 3 A. It was, yes. 4 Q. Go down to the Job Description section. I 5 want to ask you about that. 6 The first paragraph states, "The Instagram 7 Well-Being organization is looking for a world-class 8 leader with both breadth and depth in a number of 9 areas, all aimed towards our collective vision of 10 making Instagram a force for good in this world." 11 Do you see that? 12 A. I do, yes. 13 Q. Were you actually the individual that they 14 were proposing to fulfill this position that needed 15 a world-class leader? 16 A. Yes. 17 Q. And then the third paragraph says, "This 18 leader should have in-depth experience in 19 understanding user bad experiences (qualitatively 20 and quantitatively), translating it to product ideas 21 with the relevant cross-function experts and 22 designing long-term, cross-Instagram (and 23 cross-family of apps, potentially cross-industry) 24 technical architectures to support users as they 25 experience these bad moments. We would expect this</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. And were you also -- in the second bullet 2 point, it states, "Work with the Well-Being data 3 science team." 4 Were you also working with that team? 5 A. Yes. 6 Q. In the third bullet point, it states, 7 "Influence resource allocation." 8 What does that mean? 9 A. Trying to make sure that the way that 10 people get assigned that the areas that need work 11 have enough people working on them. 12 Q. Let's look at Business Justification. 13 What is your understanding of what 14 business justification, or that section, is 15 referring to? 16 A. Oh, just want to make sure that for 17 approvals that people know what is the purpose of 18 this person and this contract for the company. 19 Q. Okay. It states, "The combination of 20 responsibilities describes above is quite rare; it's 21 world-class expertise in user understanding 22 (research), the ability to translate it into a 23 product roadmap, as well as an engineering plan, all 24 in a highly specialized space (Well-Being). There 25 are fewer than 10 people in the world meeting these</p>
<p style="text-align: right;">Page 103</p> <p>1 person to be a thought-leader in this space, with 2 considerable (10-plus years) experience with online 3 harm understanding, measurement, and remediation." 4 Do you see that? 5 A. I do, yes. 6 Q. Were you the expert that they were hiring 7 to fulfill that job description? 8 A. Yes. 9 Q. If you go to the next page, in the first 10 paragraph at the -- or -- excuse me -- the second 11 paragraph, it says, "Finally, we would hope this 12 leader helps coach and grow our personnel." 13 Was that one of the things you were doing 14 when you returned to Meta? 15 A. Yes, I was. 16 Q. Under Responsibilities, it states, "Work 17 with the Well-Being research team to lead 18 Instagram's efforts to understand bad experiences on 19 our platform; what are users experiencing, how do 20 they perceive it? Help design user surveys, 21 interviews, and other research methods, 22 participating directly as needed." 23 Was that part of your responsibility when 24 you returned? 25 A. Yes.</p>	<p style="text-align: right;">Page 105</p> <p>1 qualifications, we estimate, most of whom are 2 retired or employed at our competitors." 3 Do you see that? 4 A. I do, yes. 5 Q. Was your understanding that that was 6 Meta's business justification for hiring you back as 7 a safety expert to support the -- 8 A. Yes. 9 Q. -- Instagram Well-Being team? 10 MS. JONES: Just note my objection to the 11 characterization. 12 Go ahead. 13 THE WITNESS: Yes. 14 BY MR. CARTMELL: 15 Q. And world-class expertise, at this period 16 of time, were you actually one of only a few people 17 or ten or less people in the world that had your 18 expertise in safety? 19 MS. JONES: Objection. Foundation. 20 Excuse me. 21 THE WITNESS: Yes, I was. There aren't 22 that many people in the world who had the 23 opportunity in multiple companies to be dealing with 24 these issues directly and learn what it takes to 25 make them better. And it's accurate. I mean, there</p>

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<p style="text-align: right;">Page 106</p> <p>1 were a few of us and many of them were retired or 2 they were at other companies. 3 BY MR. CARTMELL: 4 Q. Second paragraph says, "Arturo would bring 5 industry-leading expertise to bear on a 6 high-priority space with positive impact on the 7 daily lives of 1 billion-plus users on Instagram." 8 Was your understanding when you went back 9 to Meta in 2019 that there were more than 1 billion 10 users on Instagram? 11 A. Yes. 12 Q. And then it says, "If he joins, he can 13 work for us exclusively, bringing a significant 14 competitive advantage. He is regularly courted by 15 Twitter, Google, TikTok, and similar competitors." 16 Did I read that correctly? 17 A. You did, yes. 18 Q. Was that the case, as of this time, that 19 you had been courted by those other social media and 20 technology companies for your expertise? 21 A. Correct. I was courted by Twitter to be 22 the head of all of these issues for them, product 23 and engineering. I had conversations with Google, 24 with TikTok as well. 25 Q. Now, it does mention below that, "The</p>	<p style="text-align: right;">Page 108</p> <p>1 A. Academy Awards, all kinds of things. He 2 has, like, the medal that the president, like, puts 3 on you, the -- for the arts. 4 Q. Yes. 5 A. And so, yeah, he did like the soundtrack 6 for The Hours. I don't know, like, I really -- if 7 you're going to go on to [REDACTED], we're going 8 to be here all day. 9 Q. No, no, not at all. 10 A. So I'm trying to be very measured in my 11 response, other than I admire him deeply. 12 Q. I appreciate that. 13 But at the time you went back in 2019, you 14 started part time; is that right? 15 A. That's correct. 16 Q. And was that, in part, because you had 17 this commitment to [REDACTED]? 18 A. That's correct. We were doing projects 19 together. And so it was parenting, work with [REDACTED] 20 [REDACTED] and work at Instagram. That was my life 21 during that period. There was no time. Even though 22 I got courted by other companies while I was a 23 consultant, and I could have done it, I decided to 24 focus my energy on Instagram, being a parent, and 25 work with [REDACTED].</p>
<p style="text-align: right;">Page 107</p> <p>1 current blocker is not interest, but his ongoing 2 partnership writing and composing an opera with 3 [REDACTED]." 4 What is that referring to? 5 A. So I don't know if -- [REDACTED] is like 6 the nerd version of Taylor Swift or Lynyrd Skynyrd 7 telling a rock fan do you want to come help me with 8 something, so -- almost nobody knows who he is. I 9 was a huge fan. I go to meet him, spent time with 10 him, and began collaborating with him in projects 11 after I left Facebook. 12 And so at the time, I had begun 13 conversations with him about me writing the libretto 14 for an opera for which he would compose the music. 15 And that was just an extraordinary opportunity. 16 Philip at the time I think was 84 or 85 17 and so really there was a clock on being able to do 18 this work with him and that was very important for 19 me. 20 Q. He's a composer? 21 A. Yeah. [REDACTED] is a composer that has 22 done movie soundtracks, opera, symphonies, just a 23 ton of things. He's really cool. 24 Q. He's been nominated for Academy Awards, 25 hasn't he?</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Okay. And you started part time but did 2 your time that you spent at Instagram and working 3 with the well-being team and giving your advice and 4 expertise to them increase over time during that two 5 years? 6 A. Yes, it did. 7 Q. Explain that. 8 A. Well, initially I think it was, like, 9 something among -- it quickly became like multiple 10 hours a week. Some weeks, if there was an incident 11 or something happening, there was press and it was 12 kind of an all-hands-on-deck effort, like when the 13 monkey banana emoji issue happened, then I would be 14 doing a lot of hours that week and -- because you 15 did what was needed. And so over time I did a lot 16 more hours than what was initially specified. 17 Q. I want to switch gears a little bit and 18 now talk about your time when you returned to Meta 19 in October of 2019. 20 But let me ask you right off the bat, when 21 you returned to Meta in 2019, was it a good 22 experience? 23 A. I was really grateful to be able to go 24 back in and be able to be of service and do the 25 work. And I really liked the team. There were also</p>

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<p style="text-align: right;">Page 110</p> <p>1 things I was concerned about, and it took me time to 2 make sense of those.</p> <p>3 Q. When you talk about the team, are you 4 talking about the well-being Instagram team?</p> <p>5 A. Correct. I'm talking about the well-being 6 team in Instagram, [REDACTED], Shilpa, engineers, 7 product managers, different people that I spent time 8 with.</p> <p>9 Q. I'm going to ask you some opinions 10 throughout the day, and I would appreciate it if you 11 would respond to those based on a regular -- -- 12 strike that.</p> <p>13 I'm going to ask you opinions based on 14 your expertise throughout the day, and I would 15 appreciate it if you would respond to those based on 16 a reasonable degree of engineering or technological 17 or scientific certainty. Okay?</p> <p>18 A. Understood.</p> <p>19 Q. Okay. When you returned to Meta in late 20 2019, what did you find as far as whether or not 21 Instagram was a safe place for kids?</p> <p>22 MS. JONES: Objection to the form and 23 calls for a narrative.</p> <p>24 THE WITNESS: When I returned in 2019, I 25 do not -- I believe that Instagram was not a safe</p>	<p style="text-align: right;">Page 112</p> <p>1 very appealing to young kids?</p> <p>2 A. Could you repeat the question, please?</p> <p>3 Q. During -- I'm taking you back in time, and 4 I apologize because I forgot to ask you.</p> <p>5 But did you know during your first stint 6 at Meta, during 2009 to 2015, that Instagram was 7 Meta's app that was loved by very young kids?</p> <p>8 MS. JONES: Objection to the form and 9 foundation.</p> <p>10 THE WITNESS: Yes, we did. Like, we -- 11 when -- my first stint, there was many conversations 12 with many people about how Instagram was used by 13 kids.</p> <p>14 BY MR. CARTMELL:</p> <p>15 Q. Okay. And when you returned in 2019, was 16 it not just a lot bigger, but was it still an app 17 that was very popular with young kids?</p> <p>18 A. Yes, it was.</p> <p>19 Q. When you started back at Instagram in 2019 20 with the well-being team, what did you do to get up 21 to speed on the Instagram app?</p> <p>22 A. Had meetings with people working on user 23 research to understand what was some of the research 24 being done to date. I had meetings with product 25 managers to understand what were some of the efforts</p>
<p style="text-align: right;">Page 111</p> <p>1 place for teens.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. When you returned to Instagram in 2019, 4 what did you find as far as whether Meta's 5 leadership was making user safety a priority on 6 Instagram?</p> <p>7 MS. JONES: Objection to the foundation.</p> <p>8 THE WITNESS: I found that safety was not 9 a priority for the company in the way that other 10 things are.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. We will talk more about that. Let me ask 13 you some questions about Instagram.</p> <p>14 When you returned had it changed 15 significantly since you were there in 2015?</p> <p>16 MS. JONES: Objection. Foundation.</p> <p>17 THE WITNESS: It had, yes. It was much, 18 much bigger.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. Okay. How big -- strike that.</p> <p>21 Had Adam Mosseri taken over as the lead 22 executive at Instagram?</p> <p>23 A. That is correct.</p> <p>24 Q. Did you know during your first stint from 25 2009 to 2015 that Instagram was Meta's app that was</p>	<p style="text-align: right;">Page 113</p> <p>1 underway. I had meetings with some of the engineers 2 to understand what was going on. So I talked to 3 across the disciplines to try and build a picture of 4 the team.</p> <p>5 Q. I have seen documents that the well-being 6 team talks about working on problems or issues.</p> <p>7 Do you know what they call -- what they 8 work on?</p> <p>9 A. Yeah. I think some conversations had -- 10 or things that I was part of during that time 11 included, like, eating disorder, body image content, 12 racism and sort of, like, experiences people were 13 having with that. Their reporting tools and how all 14 of those worked. And there is others that I'm not 15 recalling right now.</p> <p>16 Q. Did the well-being team need to decide 17 each half what their priorities would be to work on?</p> <p>18 A. Yes, they did.</p> <p>19 Q. Do you recall what the priorities the 20 well-being team at Instagram was working on when you 21 came back as a safety expert?</p> <p>22 A. Yeah. The priority was working on 23 features for influencers that would help them with 24 some of the stuff that they were experiencing.</p> <p>25 Q. Explain what influencers are, please.</p>

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<p style="text-align: right;">Page 114</p> <p>1 A. Yeah. So --</p> <p>2 Q. Go ahead.</p> <p>3 A. Sorry. Giving the beat.</p> <p>4 Yeah. So basically Instagram, what you do</p> <p>5 is you can create a photo or post a video or do --</p> <p>6 create things that you put on there, videos or</p> <p>7 photos. And if a lot of people see your photos,</p> <p>8 they like them, they comment on them, then you can</p> <p>9 become what is called an influencer, which means</p> <p>10 that I can create content that reaches large</p> <p>11 audiences.</p> <p>12 Sometimes that means that I might get --</p> <p>13 like, things that I promote, I might get stuff for</p> <p>14 free. And you can have a lot of reach. So it's</p> <p>15 really like the content that is created by</p> <p>16 influencers that feeds a lot of the activity on</p> <p>17 Instagram. It's a small group of people that create</p> <p>18 things that have a long -- a big reach.</p> <p>19 Q. Was child safety on Instagram a priority</p> <p>20 for the well-being team when you started?</p> <p>21 A. There were no discussions about child</p> <p>22 safety that I'm aware of when we started. And when</p> <p>23 looking at the stuff that they were working on,</p> <p>24 there were tools to help with certain kinds of</p> <p>25 harassment. And I was, like, maybe they should be</p>	<p style="text-align: right;">Page 116</p> <p>1 And so I pursued that to try and</p> <p>2 understand better what was the harm that people were</p> <p>3 experiencing on, primarily, Instagram, but I had</p> <p>4 seen it be done for Facebook, the app.</p> <p>5 MR. CARTMELL: Can we take a break? I</p> <p>6 promise, it's been a little over an hour, but this</p> <p>7 may be the last -- we will go longer than an hour</p> <p>8 the next times.</p> <p>9 MR. WARD: Sure.</p> <p>10 MR. CARTMELL: Ten minutes.</p> <p>11 MR. WARD: Off the record.</p> <p>12 THE VIDEOGRAPHER: The time is 11:43.</p> <p>13 We're off the record.</p> <p>14 (Whereupon, a brief recess was taken.)</p> <p>15 11:56 15 THE VIDEOGRAPHER: Time is .</p> <p>16 We're</p> <p>17 back on the record.</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. Mr. Bejar, we're back on the record after</p> <p>20 a short break.</p> <p>21 Are you ready to proceed?</p> <p>22 A. I am.</p> <p>23 Q. You are back at Meta now. It's in 2019.</p> <p>24 And I think you mentioned that you wanted to figure</p> <p>25 out the harms that were happening to users on</p> <p>Instagram.</p>
<p style="text-align: right;">Page 115</p> <p>1 for teens. But at the time conversations I had with</p> <p>2 different people were, like, the way these things</p> <p>3 gets resourced is if you make them for creators, and</p> <p>4 that's why the well-being team was focusing on that</p> <p>5 at that time.</p> <p>6 Q. Did you set out to determine, when you</p> <p>7 started in October of 2019, what harms users,</p> <p>8 including kids, were suffering from on Instagram?</p> <p>9 A. Yes, I did.</p> <p>10 Q. How -- how did you determine that when you</p> <p>11 returned?</p> <p>12 A. So the first step in understanding harm is</p> <p>13 looking at user research, right. What are the</p> <p>14 studies that had been done to understand what people</p> <p>15 are experiencing? And so I looked around. I spoke</p> <p>16 with people in the research team. They showed me</p> <p>17 some of their work. And I also found work done by</p> <p>18 other parts of the company where they had been</p> <p>19 studying the harm that people were experiencing.</p> <p>20 And I think it was sort of during that time that</p> <p>21 I -- that when I began looking at that research,</p> <p>22 which was part of my job, that I found that the</p> <p>23 research was talking about a particular harm</p> <p>24 affecting a lot of people, like 20 percent, give or</p> <p>25 take. And I thought that was extremely significant.</p>	<p style="text-align: right;">Page 117</p> <p>1 Is that right?</p> <p>2 A. Correct.</p> <p>3 Q. And at this time when you come back to</p> <p>4 Meta in 2019, has the competitive environment for</p> <p>5 teens specifically changed?</p> <p>6 A. Yes, it had.</p> <p>7 Q. Tell us briefly about that.</p> <p>8 A. TikTok entered the chat.</p> <p>9 Q. Okay. And so when you left in 2015,</p> <p>10 Facebook and Instagram were dominating, but when you</p> <p>11 came back, now there is a lot of competition for</p> <p>12 teens; is that fair?</p> <p>13 A. Yeah, that's correct, between TikTok and</p> <p>14 Snapchat.</p> <p>15 Q. Okay. You mentioned that you looked for</p> <p>16 Meta's internal research, like, surveys that they</p> <p>17 had been doing at that time.</p> <p>18 Do you recall that?</p> <p>19 A. I do, yes.</p> <p>20 Q. Okay. And was one of the surveys that you</p> <p>21 recall looking at at that time called the Negative</p> <p>22 Experiences Survey?</p> <p>23 A. Yes.</p> <p>24 Q. Was your understanding that that survey</p> <p>25 subsequently became Schrep?</p>

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<p style="text-align: right;">Page 118</p> <p>1 A. Yes, for Instagram.</p> <p>2 Q. For Instagram. Okay. And [REDACTED] --</p> <p>3 we talk about her notes -- was she one of Meta's</p> <p>4 researchers that was working on actually a survey</p> <p>5 called Negative Experiences Survey?</p> <p>6 A. Yes.</p> <p>7 (Whereupon, Meta-Bejar Exhibit 9 was</p> <p>8 marked for identification.)</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. Mr. Bejar, I have handed you what's been</p> <p>11 marked as Exhibit 9. And this is a document that</p> <p>12 was produced to us by Meta in this case.</p> <p>13 Have you seen this document before?</p> <p>14 A. I have, yes.</p> <p>15 Q. What is this document?</p> <p>16 A. This is one of the presentations that the</p> <p>17 research team makes to share the findings of a</p> <p>18 research they have conducted.</p> <p>19 Q. Okay. I want to ask you about this</p> <p>20 document. If you go to the second page it states:</p> <p>21 Goals. Get a current snapshot of people's</p> <p>22 perception of negative experiences on Instagram and</p> <p>23 identify top problem areas.</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 questions.</p> <p>2 Q. Okay. Under what is a negative experience</p> <p>3 it states: We asked people about seeing or</p> <p>4 experiencing 18 different negative experiences which</p> <p>5 covered many of the areas that the well-being team</p> <p>6 is working on. And then it lists bullying and</p> <p>7 harassment, nudity and sexual content, inauthentic</p> <p>8 engagement, misinformation.</p> <p>9 Do you see that?</p> <p>10 A. I do, yes.</p> <p>11 Q. And so these 18 negative experiences, when</p> <p>12 the well-being team, for instance, was putting</p> <p>13 together a survey, would they actually know from</p> <p>14 reports what negative experiences were going on in</p> <p>15 the real world and so what they needed to ask about?</p> <p>16 MS. JONES: Excuse me. Objection.</p> <p>17 Foundation.</p> <p>18 THE WITNESS: It depended on whether</p> <p>19 people can report it or not.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. Okay. Let's go through the results of</p> <p>22 this -- strike that.</p> <p>23 Let's go through the results of the</p> <p>24 survey. So turn, if you would, please, to page .6.</p> <p>25 You can see the numbers on the top right.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. It also then talks about which negative</p> <p>2 experiences are perceived most commonly and which</p> <p>3 are most intense.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. When Meta uses the word "intense," what</p> <p>7 does that mean?</p> <p>8 A. It means that you need to know how intense</p> <p>9 the experience was for the person in the form of,</p> <p>10 like, what emotion they experienced and how much.</p> <p>11 Q. This survey, was your understanding that</p> <p>12 this was a survey of 30,000 Instagram users?</p> <p>13 A. Yes.</p> <p>14 Q. And tell me if I'm wrong, but what -- what</p> <p>15 Meta would do is actually implement a survey that</p> <p>16 would go out to, in this case, 30,000 people and ask</p> <p>17 them about what negative experiences they have had</p> <p>18 on Instagram; is that right?</p> <p>19 A. That's right.</p> <p>20 Q. It says: Who we asked. We surveyed</p> <p>21 30,000 Instagram users with an in-app survey.</p> <p>22 What is in-app survey?</p> <p>23 A. It means you are scrolling using Instagram</p> <p>24 and then you get a "could you answer a few questions</p> <p>25 for us," and then you say yes and you answer those</p>	<p style="text-align: right;">Page 121</p> <p>1 What is this slide of this presentation</p> <p>2 related to this survey, the Negative Experiences</p> <p>3 Survey?</p> <p>4 A. It tells you, of the people who responded</p> <p>5 to the survey, how many said they had had these</p> <p>6 experiences.</p> <p>7 Q. Okay. So to make it clear, this is 30,000</p> <p>8 people's responses and what they said they had</p> <p>9 experienced; is that right?</p> <p>10 A. That's correct.</p> <p>11 Q. It states: In the past seven days.</p> <p>12 So was Meta actually asking these 30,000</p> <p>13 people what negative experiences they had had in the</p> <p>14 last week?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Under -- strike that.</p> <p>17 What does "perceived reach" mean? I guess</p> <p>18 what does "reach" mean?</p> <p>19 A. Reach means, like, what percentage of a</p> <p>20 population sees something or experiences something.</p> <p>21 So how far it gets.</p> <p>22 Q. Is -- tell me if I'm wrong, but is reach</p> <p>23 the number of people it's affecting?</p> <p>24 A. Yes. It's -- you basically take</p> <p>25 25 percent of a hundred million people. That is</p>

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<p style="text-align: right;">Page 122</p> <p>1 going to be the reach. 2 Q. I see. Okay. And then on the left here 3 in this slide -- strike that. 4 Are these the results of the Negative 5 Experiences Survey as far as you know? 6 A. Yes. 7 Q. And on the left side there are 18 -- I 8 guess you would call them negative experiences 9 listed; is that right? 10 A. That's correct. 11 Q. I want to ask you about some of these. 12 For example, bullying_seeing, it states 28 percent. 13 And then it says: Seen someone else being harassed 14 or bullied on Instagram. 15 Do you see that? 16 A. I do, yes. 17 Q. What does that mean? 18 A. It means you ask somebody, in the last 19 seven days, have you seen somebody else being 20 harassed or bullied, and they said yes to that 21 question. 22 Q. So does that mean that more than one out 23 of every four people who responded to this said that 24 they had seen bullying or harassment on Instagram? 25 A. Yeah.</p>	<p style="text-align: right;">Page 124</p> <p>1 anyone on Instagram who was promoting eating 2 disorders or unhealthy weight loss; is that correct? 3 A. That is correct. 4 Q. So almost one in five there, too, right? 5 A. That is correct. 6 Q. What is solicitation? 7 A. Seeing anybody on Instagram trying 8 to sell -- buy or sell sexual activity or services. 9 Q. That's 17 percent? 10 A. That's correct. 11 Q. What is NCII? Is that nonconsensual 12 inappropriate interactions? 13 A. That's correct. 14 Q. What was the question there? 15 A. Have you seen any nudity or sexual content 16 on Instagram that you were worried was shared 17 without the person's permission? 18 Q. Is that -- I may be wrong, but is that 19 something that happens with sextortion? 20 A. It happens on sextortion and it happens on 21 revenge porn. 22 Q. SSI, what does that mean? 23 A. Have you seen anyone on Instagram who you 24 were worried might hurt themselves or commit 25 suicide?</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Okay. What about hate? Hate is 2 25 percent, seen any hate speech or threats that you 3 feel don't belong on Instagram. 4 Do you see that? 5 A. Yeah, I see that. 6 Q. And is that one out of every four people 7 said they had seen that? 8 A. That's correct. 9 Q. Explain nudity, please. 10 A. So the question is, have you seen any 11 nudity or sexual content that you feel doesn't 12 belong on Instagram? And 23 percent, approximately 13 one in four people, said yes in the last seven days. 14 Q. What about violence? 15 A. Have you seen any violent content that you 16 feel doesn't belong on Instagram? And then you get 17 one in five people said yes in the last seven days. 18 Q. Child safety is 19 percent. And is the 19 question asked, seen anything on Instagram that made 20 you worried that a child was unsafe? 21 A. That's correct. 22 Q. So almost one in five people said they had 23 seen that in the last week? 24 A. That's correct. 25 Q. Eating disorders is 18 percent. Seen</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. Does SSI stand for suicide or self-harm? 2 A. Correct. 3 Q. And that is 12 percent. So more than -- 4 almost one in nine people; is that right? 5 A. That's correct. 6 Q. And it talks about drugs, seen anyone on 7 Instagram offering to sell drugs or promoting drug 8 use. That's nine -- I'm sorry. Let me go back. 9 Suicide and self-injury was 12 percent; is 10 that right? 11 A. That's correct. 12 Q. And drugs, 9 percent, seen anyone on 13 Instagram offering to sell drugs or promoting drug 14 use; is that right? 15 A. That's correct. 16 Q. What is bullying_experiencing? We saw 17 bullying_seeing up above. What is 18 bullying_experiencing? 19 A. It's when you are the target. So that you 20 experience this firsthand. 21 Q. And this says that 8 percent had been 22 bullied or harassed on Instagram in the last seven 23 days? 24 A. That's correct. 25 Q. Were all of these responses from 30,000</p>

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<p style="text-align: right;">Page 126</p> <p>1 people within the last seven days?</p> <p>2 A. That is correct.</p> <p>3 Q. What was your reaction when you saw this</p> <p>4 data in Meta's files?</p> <p>5 A. Let me just take a moment.</p> <p>6 Q. Take your time.</p> <p>7 A. I mean, this is -- the reason you ask</p> <p>8 30,000 people or more is so you develop an accurate</p> <p>9 understanding of harm on your platform. And what</p> <p>10 this is telling you is, like, even the smallest</p> <p>11 number, you are talking around between 9 or</p> <p>12 10 percent of a lot of people who are experiencing</p> <p>13 each of these harms.</p> <p>14 And so then the responsibility, what you</p> <p>15 have to do is you have to go and investigate and</p> <p>16 understand each of these categories. And each of</p> <p>17 these categories should be a team, right. So this</p> <p>18 is telling me that there is a meaningful amount of</p> <p>19 harm happening on Instagram every seven days and</p> <p>20 that we know about it.</p> <p>21 Q. Did you know before you returned to</p> <p>22 Instagram that there was this extent of harm going</p> <p>23 on on Instagram?</p> <p>24 A. I did not.</p> <p>25 Q. Were you concerned when you found out?</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. This slide states: Perceived Reach:</p> <p>2 Teens and Adults.</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. It says: Overall, teens have</p> <p>6 significantly more negative experiences than adults.</p> <p>7 What does that mean?</p> <p>8 A. It means that in the survey results there</p> <p>9 was a statistically significant difference, that you</p> <p>10 could say significantly more negative experiences</p> <p>11 than adults. And so it means that teens were having</p> <p>12 more bad experiences than adults by a big enough</p> <p>13 margin that you could say significantly more.</p> <p>14 Q. What is the relevance of that to you as a</p> <p>15 30-year user safety expert?</p> <p>16 A. That the company understands that</p> <p>17 teenagers are having harmful experiences on their</p> <p>18 platform.</p> <p>19 Q. And if you look at the negative</p> <p>20 experiences that we talked about on the last</p> <p>21 slide --</p> <p>22 Jim, if you wouldn't mind, please,</p> <p>23 highlighting bullying_seeing down to</p> <p>24 bullying_experiences.</p> <p>25 In every one of those cases, are the teens</p>
<p style="text-align: right;">Page 127</p> <p>1 A. Absolutely.</p> <p>2 Q. Go to the next slide at .7, please.</p> <p>3 One of the things about these numbers,</p> <p>4 Mr. Bejar, is if you extrapolated these 30,000 to</p> <p>5 the entire community, would it be millions and</p> <p>6 millions of people?</p> <p>7 MS. JONES: Objection. Foundation.</p> <p>8 THE WITNESS: Yes, it would be millions of</p> <p>9 people. As I said, if it happens to one or two</p> <p>10 people, it's happening to a million people.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. There is more than 1 billion people on</p> <p>13 Instagram at this time?</p> <p>14 A. That is correct.</p> <p>15 Q. So you could say maybe happening, if it is</p> <p>16 20 percent, to 200 million people?</p> <p>17 A. That is correct.</p> <p>18 MS. JONES: Excuse me. Note my objection.</p> <p>19 Foundation.</p> <p>20 THE WITNESS: That is correct.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. Was the extent the numbers of people that</p> <p>23 were having these negative experiences a concern for</p> <p>24 you?</p> <p>25 A. Yes, it was.</p>	<p style="text-align: right;">Page 129</p> <p>1 percentage of these negative experiences higher than</p> <p>2 the adults?</p> <p>3 A. Yes.</p> <p>4 Q. Turn to slide 10, if you would, please.</p> <p>5 MS. JONES: Belatedly object to</p> <p>6 mischaracterization of the data on the document.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. This slide is entitled "Intensity," right?</p> <p>9 A. Correct.</p> <p>10 Q. It says: Seeing someone get bullied or</p> <p>11 harassed, seeing terrorist content, and seeing</p> <p>12 suicide and self-injury content top the list in</p> <p>13 terms of intensity.</p> <p>14 Do you see that?</p> <p>15 A. I do.</p> <p>16 Q. On the right, up there at the top it says:</p> <p>17 Percent rating is a very bad experience. And then</p> <p>18 it says: In top two intensity buckets, very bad or</p> <p>19 pretty bad.</p> <p>20 Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. So what is this graph here showing?</p> <p>23 A. So this graph is showing -- so the way</p> <p>24 these surveys are set up it's like a series of</p> <p>25 questions. And so if you experience one of these</p>

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<p style="text-align: right;">Page 130</p> <p>1 issues, how bad was it, and the ranking was sort of 2 very bad, pretty bad, and sort of the right language 3 there. And so then of the people who have 4 encountered the issues that selected a rating of how 5 bad the experience was, this is a percentage of them 6 that said it was a very bad experience. 7 Q. So, Jim, if you don't mind highlighting 8 bullying_experience down through -- let's see. No, 9 you can't do it on this one. 10 So, for instance, if you look at 11 bullying_experience -- strike that. 12 If you look at child safety, for example, 13 45 percent of the people in this survey stated that 14 it was a very bad or bad experience. 15 A. That's of the people who answered the 16 questions I described, yeah. 17 Q. Okay. Same thing, for example, nudity? 18 A. Yeah. 39 percent. 19 Q. Does intensity measurements like this on a 20 survey tell you anything about whether the 21 experience is capable of causing serious harm? 22 A. Yes. 23 MS. JONES: Excuse me. Object to the form 24 and foundation. 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 132</p> <p>1 THE WITNESS: Yes. It was one of the 2 things that we learned from working with Yale, and 3 we actually had slides dedicated to that during our 4 compassion presentations where we showed how teens' 5 brains work developmentally, how they felt things 6 more intensity, and how important it was to do the 7 kind of work that we described. 8 BY MR. CARTMELL: 9 Q. Okay. So let me ask you, at this time, 10 when you are seeing this data, had you worked 11 actually on the prevention of online suicide from 12 negative experiences like these? 13 MS. JONES: Objection to the form. 14 THE WITNESS: I had, yes. 15 BY MR. CARTMELL: 16 Q. Had you actually worked on the prevention 17 of online harm to kids from bullying? 18 MS. JONES: Excuse me. Objection to the 19 form. 20 THE WITNESS: I had, yes. 21 BY MR. CARTMELL: 22 Q. Had you worked in the past in the area of 23 prevention of online harms to kids from sextortion? 24 A. It wasn't called that then. I was dealing 25 with grooming and with people -- the label came</p>
<p style="text-align: right;">Page 131</p> <p>1 BY MR. CARTMELL: 2 Q. You can -- strike that. 3 Explain that, please. 4 A. So when we built the teen tools during my 5 first stint, in our conversations with Yale and 6 external experts, they told us it was essential to 7 learn how intense the experience was for the teen, 8 because that let's you know what is going on and how 9 you should be able to help them. 10 And so if a teen is telling you that they 11 are feeling very afraid or very angry, that is 12 essential information to help the teen in the moment 13 and also take further action as needed. 14 And we learned during my first stint that 15 you couldn't often tell from the content how intense 16 the experience was. So it was an essential piece of 17 information that you had to collect in order to 18 understand how important it was to address 19 something. How urgent, actually. 20 Q. If you go back to slide 7 real quick, the 21 Perceived Reach: Teens and Adults. 22 I want to ask you, in your experience as 23 an online child safety expert, are kids more 24 vulnerable to online harms like these than adults? 25 MS. JONES: Objection. Foundation.</p>	<p style="text-align: right;">Page 133</p> <p>1 later, but we had worked on that class of issues for 2 years. 3 Q. And what about the prevention of negative 4 impacts to kids' mental well-being? Had you worked 5 on that as a safety expert over the years? 6 MS. JONES: Objection. Form. 7 THE WITNESS: I had, yes. 8 BY MR. CARTMELL: 9 Q. And over the years, at this time in 2019, 10 had you actually worked with parents and kids 11 related to online harmful experiences? 12 MS. JONES: Objection to the form. 13 THE WITNESS: I had, yes. 14 BY MR. CARTMELL: 15 Q. Can you explain that, please. 16 A. So the process for developing the tools 17 for teens began with focus groups held by 18 teenager -- with teenagers by teenagers where we 19 understood the harms that they were experiencing. 20 Imagine this research as a conversation in a room 21 where we asked who has been bullied or harassed 22 here, and nobody raised their hand. Who here has 23 had something bad happen to them? Everybody raises 24 their hand. What's happened to you? And then we 25 got a list of issues that teens told us that shaped</p>

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<p style="text-align: right;">Page 134</p> <p>1 the product.</p> <p>2 I also work with parents to understand the</p> <p>3 experiences that their kids had had, parents of kids</p> <p>4 that had been groomed successfully. And so there</p> <p>5 was always -- the job was go and understand from the</p> <p>6 person who had the harmful or terrible experience,</p> <p>7 talk to them, listen, and then understand how you</p> <p>8 can change the product to make it better as informed</p> <p>9 by an expert on the field.</p> <p>10 Q. When you saw these results in October of</p> <p>11 2019 or shortly thereafter, how long had these</p> <p>12 harmful experiences to kids on Instagram going --</p> <p>13 been going on? Did you know?</p> <p>14 MS. JONES: Objection to the form and</p> <p>15 foundation.</p> <p>16 THE WITNESS: I believe that the way that</p> <p>17 these things work, that it had been going on for as</p> <p>18 long as the product had been around. And as the</p> <p>19 number of people who used the product grew, the</p> <p>20 number of people having this experiences grew.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. Based on your expertise in this area of</p> <p>23 safety for kids online, did you believe that</p> <p>24 Instagram was adequately protecting kids and all</p> <p>25 users from these online harms as of October of 2019?</p>	<p style="text-align: right;">Page 136</p> <p>1 A. I am, yes.</p> <p>2 MS. JONES: Excuse me.</p> <p>3 THE WITNESS: Sorry.</p> <p>4 MS. JONES: Objection to the form.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. Are you familiar, as an online child</p> <p>7 safety expert, with the problem of teenage or kids</p> <p>8 getting addicted to social media?</p> <p>9 MS. JONES: Same objection.</p> <p>10 THE WITNESS: I am, yes.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. I've seen documents of -- that sometimes</p> <p>13 it's referred to problematic use; is that right?</p> <p>14 A. That is correct.</p> <p>15 Q. Did Meta actually use the phrase</p> <p>16 "problematic use" and "addiction" interchangeably?</p> <p>17 A. It is my understanding that you were not</p> <p>18 supposed to say "addiction." You were supposed to</p> <p>19 say "problematic use."</p> <p>20 Q. Did you have an understanding why that</p> <p>21 was?</p> <p>22 MS. JONES: Objection. Foundation.</p> <p>23 THE WITNESS: Yes, I did.</p> <p>24 BY MR. CARTMELL:</p> <p>25 Q. What's that?</p>
<p style="text-align: right;">Page 135</p> <p>1 A. I believe it was not.</p> <p>2 Q. Had Instagram done anything that you know</p> <p>3 of to actually try to prevent and substantially</p> <p>4 reduce these types of harms as of this time?</p> <p>5 MS. JONES: Objection. Foundation.</p> <p>6 THE WITNESS: It has not.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. Let me ask you this, Mr. Bejar. Had this</p> <p>9 data that was in Meta's files been published to</p> <p>10 anybody outside the company; do you know that?</p> <p>11 A. Not as far as I was aware.</p> <p>12 Q. You talked about transparency during your</p> <p>13 first stint, right?</p> <p>14 A. Correct.</p> <p>15 Q. Did you believe that this data that they</p> <p>16 had in their files related to harms to kids on</p> <p>17 Instagram should be published to the public and</p> <p>18 parents and kids?</p> <p>19 A. Absolutely.</p> <p>20 Q. Now, I noticed that there's nothing in</p> <p>21 this survey about addiction or problematic use; is</p> <p>22 that correct?</p> <p>23 A. That's correct.</p> <p>24 Q. Are you familiar, as an online child</p> <p>25 safety expert, with addiction to social media?</p>	<p style="text-align: right;">Page 137</p> <p>1 A. So when I returned in my second stint, one</p> <p>2 of the people I sought out was [REDACTED],</p> <p>3 who had been a lead researcher in my first stint at</p> <p>4 understanding the harm that people were experiencing</p> <p>5 that we used to guide the work that we did in my</p> <p>6 first stint.</p> <p>7 And I wanted to understand because she was</p> <p>8 working on well-being metrics and I wanted to orient</p> <p>9 myself about what work was being done. And I talked</p> <p>10 about it with her. I asked her about addiction.</p> <p>11 Because I had already seen research come out and I</p> <p>12 had also been experiencing it at home.</p> <p>13 And the -- she told me in that</p> <p>14 conversation that the topic was somewhat</p> <p>15 radioactive. That you weren't supposed to use the</p> <p>16 term "addiction." That when you looked into it that</p> <p>17 it would get attention from the leadership of her</p> <p>18 organization. And that you -- you couldn't call it</p> <p>19 addiction. That instead they had labeled it</p> <p>20 "problematic use." And then they had defined</p> <p>21 problematic use to be very narrow.</p> <p>22 So let's say -- this is not the accurate</p> <p>23 number, but it's going to be, like, yeah, you have</p> <p>24 to be on there for, like, ten hours a day in order</p> <p>25 to be able to call it problematic use, which meant</p>

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<p style="text-align: right;">Page 138</p> <p>1 that the company could say things like, oh, we've 2 looked into problematic use and it's not an issue. 3 And it's not what I would understand. 4 When I heard the word "problematic use," I would 5 probably think what a lot of people were 6 experiencing. And so my understanding from talking 7 to her is if you're going to work on it you're going 8 to get a lot of attention on you. 9 And they had redefined the language around 10 the subject matter so it was not studied and 11 understood in what I believe is sort of good faith 12 of these issues. 13 Q. Was Meta actually even monitoring kids' 14 addiction to Instagram or problematic use at 15 Instagram at that time? 16 A. Not as far as I know. 17 Q. They didn't include it in any surveys, did 18 they? 19 MS. JONES: Let me object to foundation. 20 Go ahead. 21 THE WITNESS: Not as far as I know. 22 And when I started working with the 23 well-being team, again, I met with many people, 24 covered many issues, and there was not a single 25 mention of addiction in that context that I recall.</p>	<p style="text-align: right;">Page 140</p> <p>1 cause addiction or problematic use? 2 MS. JONES: Same objection. 3 THE WITNESS: I think there are different 4 factors. One of them is nature and frequency of 5 notifications. Another one is sort of like a 6 never-ending -- like an infinite feed of images or 7 videos to watch. 8 BY MR. CARTMELL: 9 Q. Is that referred to as infinite scroll? 10 A. Yeah, people refer to that as infinite 11 scroll. So you just have a never-ending set of 12 things that you can look at so you can spend as much 13 time on there as your body and attention allows. 14 Also, there are other things like if you 15 take certain actions you get different rewards. So 16 you get like little hearts and things that happen. 17 I mean, the... 18 Q. You mean like likes; is that what you're 19 referring to? 20 A. Yeah. Thank you. Yeah. 21 So likes are a good example of that. A 22 notification like saying, oh, your friend did 23 something. A good example of that. 24 And so I would notice, we were trying to 25 watch a movie together as a family, and my daughter</p>
<p style="text-align: right;">Page 139</p> <p>1 BY MR. CARTMELL: 2 Q. You mentioned that you were experiencing 3 addiction. Was that with your daughter? 4 A. Correct. 5 Q. Based on your experience as a child safety 6 expert, do you believe that Instagram and social 7 media can cause addiction? 8 MS. JONES: Objection. Foundation. 9 THE WITNESS: I do, yes. And I have both 10 experienced it, I have read things and have also 11 talked to people that are sort of survivors that 12 have had personal experience of that issue. 13 BY MR. CARTMELL: 14 Q. And let me ask you, what do you believe -- 15 strike that. 16 Are there -- do you believe as an online 17 safety expert, and somebody who has actually built 18 tools for social media apps, that the design of 19 Instagram can cause or contribute to cause 20 addiction? 21 MS. JONES: Objection. Foundation. 22 THE WITNESS: I do, yes. 23 BY MR. CARTMELL: 24 Q. What features or tools do you believe with 25 respect to Instagram can cause or contribute to</p>	<p style="text-align: right;">Page 141</p> <p>1 would pick up the phone every 20 or 30 seconds to 2 see whether she had notifications. And it was 3 really painful to try and get her to put the phone 4 away at dinnertime because she was, like, well, what 5 if one of my friends writes to me or something is 6 happening on there, so... 7 And, again, this is not what I even would 8 think of as -- this is -- I think that was bad. But 9 I have spoken to people who have lived experience 10 with these issues and it can get so much worse. 11 Q. Let me ask you, did you hear that, in 12 fact, for the well-being team to actually do work on 13 addiction or problematic use, it was held to a 14 higher standard than, for example, work that would 15 be done for engagement, for growth, those sorts of 16 things? 17 MS. JONES: Objection to form. 18 MR. CARTMELL: Let me restate the 19 question. I'll withdraw it. 20 MS. JONES: I'll restate the objection. 21 But go ahead. 22 BY MR. CARTMELL: 23 Q. Had you heard at Instagram that there was 24 a higher standard of proof for the well-being -- for 25 anybody to work on well-being issues like addiction</p>

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<p style="text-align: right;">Page 142</p> <p>1 or problematic use?</p> <p>2 MS. JONES: Objection to the form.</p> <p>3 Foundation.</p> <p>4 THE WITNESS: Yes, I did.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. Explain what you mean by that or what the</p> <p>7 higher proof standard was?</p> <p>8 MS. JONES: Same objections.</p> <p>9 THE WITNESS: So there were two sides to</p> <p>10 that. I think one of them was if you approach a</p> <p>11 subject like addiction, then you would get people at</p> <p>12 a very high level in the research and hence the</p> <p>13 growth organization come in and look at what you</p> <p>14 were doing.</p> <p>15 And then I think for many other aspects</p> <p>16 having to deal with, for example, body image issues</p> <p>17 or other areas, there was this thought that you had</p> <p>18 to show causality.</p> <p>19 And this is something that I discussed</p> <p>20 with Jennifer in that conversation because I think</p> <p>21 anybody with a public health background knows that</p> <p>22 things that are -- might be affecting population</p> <p>23 level issues, causality is an unreasonably high bar.</p> <p>24 That what you really look for is strong correlation</p> <p>25 in order to have a -- more than enough reason to</p>	<p style="text-align: right;">Page 144</p> <p>1 MS. JONES: Excuse me.</p> <p>2 Objection to the form. And foundation.</p> <p>3 THE WITNESS: I was not aware of any team</p> <p>4 working on addiction in 2019.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. And did you at any time while you were</p> <p>7 there from '19 to '21 see that Instagram or Meta had</p> <p>8 actually published any internal research on</p> <p>9 addiction or problematic use?</p> <p>10 A. I did not.</p> <p>11 Q. What about warning the public of the</p> <p>12 increased risk to kids of addiction or problematic</p> <p>13 use from Instagram, did they ever warn the public,</p> <p>14 kids, or parents of that?</p> <p>15 A. They did not.</p> <p>16 Q. Do you believe, based on your expertise as</p> <p>17 a child safety expert, that Instagram did enough to</p> <p>18 actually try to prevent or substantially reduce</p> <p>19 addiction or problematic use to kids on Instagram?</p> <p>20 MS. JONES: Objection to the form.</p> <p>21 Foundation.</p> <p>22 THE WITNESS: They did not.</p> <p>23 (Whereupon, Meta-Bejar Exhibit 10 was</p> <p>24 marked for identification.)</p> <p>25 (Whereupon, a brief discussion off the</p>
<p style="text-align: right;">Page 143</p> <p>1 act.</p> <p>2 And so -- and she was not the only person</p> <p>3 with whom I've had conversations about causality.</p> <p>4 And so the bar for a well-being feature</p> <p>5 and resourcing or working on a problematic area was</p> <p>6 high. And the bar to work on growth engagement,</p> <p>7 something that you would think would drive usage,</p> <p>8 was none, right. You could just -- you had to have</p> <p>9 a good thesis to say I believe this will increase</p> <p>10 usage by this much percentage or I believe this</p> <p>11 will -- this feature is going to be very successful</p> <p>12 and you were, like, off you go, right.</p> <p>13 And so -- and I noticed in my second</p> <p>14 stint, right, that the well-being team had an</p> <p>15 incredibly difficult job at trying to define and</p> <p>16 implement features that would make a difference.</p> <p>17 MS. JONES: I'm going to object to the</p> <p>18 narrative response.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. For addiction and problematic use work,</p> <p>21 when you looked around in 2019, as you have settled</p> <p>22 in, did you find that the well-being team or any</p> <p>23 other team was doing anything to prevent or</p> <p>24 substantially reduce kids' addiction or development</p> <p>25 of problematic use from Instagram?</p>	<p style="text-align: right;">Page 145</p> <p>1 record.)</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. Now, after you were able to discover the</p> <p>4 data from the negative experiences survey and you</p> <p>5 understood the extent of the harm on Instagram, what</p> <p>6 did you do?</p> <p>7 A. At the time my job was to understand --</p> <p>8 part of my job was to understand why the well-being</p> <p>9 team didn't -- was not working on these issues. And</p> <p>10 so I sought out similar surveys in other parts of</p> <p>11 the company. And also asked people about their</p> <p>12 experience in trying to work on these issues.</p> <p>13 Q. Did you try to do an assessment of Meta's</p> <p>14 or Instagram's safety systems or framework in place</p> <p>15 to see why there was so much harm to kids on</p> <p>16 Instagram?</p> <p>17 A. I did, yes.</p> <p>18 Q. And when you reviewed Instagram's safety</p> <p>19 features or tools or framework in place, what did</p> <p>20 you find?</p> <p>21 A. I found that there were no features,</p> <p>22 safety features that meaningfully reduced the harms</p> <p>23 that we were talking about. I found that there were</p> <p>24 issues with the reporting tools. I found difficulty</p> <p>25 trying to propose and get implementations of safety</p>

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<p style="text-align: right;">Page 146</p> <p>1 features. And I found that there was not a -- like 2 a comprehensive metrics framework that incentivized 3 the team to reduce the harms that you see here. 4 Like, which is really the -- I believe the job. 5 Q. When I met with you and other Attorney 6 Generals before this deposition, did I ask you what 7 factors you thought were causing Meta's Instagram 8 app to be unsafe for kids? 9 A. Yes. 10 Q. And did you actually provide a list of the 11 factors that you believed were substantial 12 contributing factors to why kids were not being 13 protected on Instagram? 14 A. I did, yes. 15 Q. I've handed you Exhibit 10, Mr. Bejar. 16 Is this the list of factors that you 17 provided to me, factors that cause Meta's Instagram 18 app to be unsafe for kids? 19 A. Yes. 20 Q. And you've listed five things here; is 21 that correct? 22 A. Yes. 23 Q. What I would like to do is just go through 24 each of these one by one. 25 Is that okay with you?</p>	<p style="text-align: right;">Page 148</p> <p>1 growth and engagement. And only the well-being team 2 was working on safety and it was not well resourced 3 enough. It was not something that was treated as a 4 priority. When I was there in 2019, Reels was the 5 priority. It's very clear. 6 Q. When you say "Reels was the priority," are 7 you talking about a product that was released by 8 Instagram around that time? 9 A. That is correct. When I talk about the 10 Instagram app, Reels was Instagram's response to 11 TikTok. And so it's short-form videos. And that 12 was a priority. You could see it in the way Adam 13 talked about it and you could see it in the way 14 resources were elevated. 15 Q. And was Reels something that was released 16 by Meta in order to compete with TikTok; is that 17 what you're saying? 18 A. Correct. 19 Q. Okay. And was Reels something that was 20 released by Instagram and Meta in order to maintain 21 teens on Instagram or grow teens on Instagram? 22 MS. JONES: Objection to the form. And 23 foundation. 24 THE WITNESS: That's correct. 25 (Whereupon, an interruption.)</p>
<p style="text-align: right;">Page 147</p> <p>1 A. Yes. 2 Q. Okay. So -- 3 MS. JONES: And Counsel, I'm just going to 4 object to the use of this Exhibit Number 10 as 5 something that should have been -- 6 (Whereupon, a brief discussion off the 7 record.) 8 MS. JONES: I'm going to object to 9 Exhibit Number 10 and its use as something that 10 should have been produced in connection with Meta's 11 subpoena to Mr. Bejar. 12 MR. CARTMELL: Well, okay, I take this as 13 a demonstrative that is based on -- 14 MS. JONES: Same objection. 15 Go ahead. 16 BY MR. CARTMELL: 17 Q. Okay. Number one factor that you list 18 here is "Meta Leadership's Top Priority is Growth 19 and Engagement, Not Safety." 20 Did I read that correctly? 21 A. Yes. 22 Q. Tell us what you meant by that. 23 A. What I mean by that is during the time 24 that I was there in my second stint, every other 25 team I was aware of in Instagram was working on</p>	<p style="text-align: right;">Page 149</p> <p>1 BY MR. CARTMELL: 2 Q. You mentioned Adam Mosseri. He's the head 3 of Instagram; is that right? 4 A. That is correct. 5 Q. Okay. And did he, in fact, say that Reels 6 was the number one priority? 7 A. Yes. 8 Q. When you were at Meta, did you develop an 9 understanding generally about Meta's business model? 10 A. Yes. 11 Q. Based on your understanding eight years at 12 Meta, does Meta make essentially all of its revenue 13 from advertising on the platforms? 14 A. They do. 15 Q. Does Meta make more money if its users use 16 Instagram more frequently? 17 A. They do. 18 Q. Does Meta make more money if its users use 19 Instagram for longer periods of time? 20 A. They do. 21 Q. And all things being equal, does Meta make 22 more money if it has more users? 23 A. They do. 24 Q. You talked about previously the importance 25 of metrics at Instagram, correct?</p>

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<p style="text-align: right;">Page 150</p> <p>1 A. Correct.</p> <p>2 Q. Does Meta have metrics for all of those</p> <p>3 engagement and growth factors that it's -- strike</p> <p>4 that.</p> <p>5 Does Meta actually have metrics that track</p> <p>6 sessions and engagement and growth?</p> <p>7 MS. JONES: Objection. Foundation.</p> <p>8 THE WITNESS: Yes, they do.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. And do they track those very closely?</p> <p>11 A. Yes, they do.</p> <p>12 Q. Based on your experience in the industry</p> <p>13 and eight years at Meta, can building safety</p> <p>14 measures on an app like Instagram have a negative</p> <p>15 impact on users' engagement on the app?</p> <p>16 A. Yes, it can.</p> <p>17 Q. Can you give an example of that?</p> <p>18 A. If you make it easy for a teen to say, you</p> <p>19 know, I only want to spend an hour a day and when</p> <p>20 the hour comes up, I'm out, don't let me back in,</p> <p>21 this is -- I have finals this week, I need you to</p> <p>22 help me. That would mean that the teen would spend</p> <p>23 less hours on Instagram during that week.</p> <p>24 If you reduce notifications that would</p> <p>25 mean there would be less people coming back and then</p>	<p style="text-align: right;">Page 152</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. And can that -- strike that.</p> <p>3 And can putting in place safety measures</p> <p>4 on Instagram actually decrease the amount of money</p> <p>5 Meta makes?</p> <p>6 A. They could, yes.</p> <p>7 Q. Let's talk about number two on the factors</p> <p>8 that you provided.</p> <p>9 "Meta's Organizational Structure Creates a</p> <p>10 Conflict in Favor of Growth, not Safety."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. What do you mean by that?</p> <p>14 A. What I mean by that is that the protect</p> <p>15 and care team, after I left, got broken up and key</p> <p>16 parts of it were moved under what's called the</p> <p>17 growth team. A way to translate that is like</p> <p>18 putting the safety team underneath the sales team.</p> <p>19 And so in my first six years there, it was</p> <p>20 important to be independent from growth so that you</p> <p>21 could provide a balance to keep the system</p> <p>22 appropriately safe and also not pushed too hard on</p> <p>23 the growth side of things. But the moment you put</p> <p>24 that under, you create a conflict of interest, for</p> <p>25 anybody who's working on safety, with their</p>
<p style="text-align: right;">Page 151</p> <p>1 they know when you come back that you're going to be</p> <p>2 spending a certain amount of time.</p> <p>3 Q. Reducing those things might help addiction</p> <p>4 or problematic use, right?</p> <p>5 A. Correct.</p> <p>6 Q. Was your experience at Meta that they were</p> <p>7 willing to do those sort of things, reduce the time</p> <p>8 spent, reduce the notifications, were they willing</p> <p>9 to do that?</p> <p>10 MS. JONES: Objection to the form. And</p> <p>11 foundation.</p> <p>12 Sorry. That was too fast.</p> <p>13 Objection to the form. And foundation.</p> <p>14 THE WITNESS: Sorry. I was going to say</p> <p>15 I'm not the only one talking too fast.</p> <p>16 It was my experience that Instagram and</p> <p>17 Meta were not willing to substantively address the</p> <p>18 issue of reducing the time that people spend or</p> <p>19 getting them less notifications.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. Based on your experience, did Meta</p> <p>22 prioritize the growth and engagement metrics over</p> <p>23 the safety measures to make Instagram safe?</p> <p>24 MS. JONES: Same objection.</p> <p>25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 153</p> <p>1 managers.</p> <p>2 Q. Do you believe Meta's organizational</p> <p>3 structure in place when you returned created a</p> <p>4 conflict of interest?</p> <p>5 MS. JONES: Objection. Foundation.</p> <p>6 THE WITNESS: I do, yes.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. What about compensation factors, was that</p> <p>9 a part of the issue related to the organizational</p> <p>10 structure and hampering safety on Instagram?</p> <p>11 A. Absolutely. Your manager determines your</p> <p>12 compensation based on the goals that they approve.</p> <p>13 And so if you are setting goals based on time, how</p> <p>14 much time people spend on a certain product or how</p> <p>15 many times they click on the like button, right,</p> <p>16 they're going to -- you're going to get paid more</p> <p>17 money for doing that, for driving usage.</p> <p>18 But if you're working on the safety team,</p> <p>19 like I believe your compensation should be, like, in</p> <p>20 part, related to how much harm you are actually</p> <p>21 reducing. This is something the company knows to do</p> <p>22 better than almost any company in the world. And so</p> <p>23 I think that compensation should have been about</p> <p>24 harm reduction, which then has the right incentive</p> <p>25 structures. But that's not what I saw.</p>

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<p style="text-align: right;">Page 154</p> <p>1 Q. As Meta's online safety expert providing 2 support to the well-being team, did you believe that 3 Meta's organizational structure was negatively 4 impacting the well-being team's ability to make 5 Instagram a safe place for kids? 6 MS. JONES: Objection. Foundation. And 7 form. 8 THE WITNESS: Yes, I did. And I had 9 conversations to that effect. 10 BY MR. CARTMELL: 11 Q. In your opinion, did Meta's organizational 12 structure that had well-being and safety teams 13 reporting to the growth teams play a substantial 14 factor in why there was a lack of safety features 15 and systems in place on Instagram? 16 MS. JONES: Same objection. Form. 17 Foundation. 18 THE WITNESS: I do want to say that the 19 central safety team was the one that reported in to 20 growth within Instagram and had a different 21 reporting structure. But what they since -- what 22 the team in Instagram that worked on well-being was 23 able to do was subject, in part, by approval and 24 oversight on the central integrity team. 25 ///</p>	<p style="text-align: right;">Page 156</p> <p>1 THE WITNESS: So the -- a good way to put 2 it is that think of every engineer working on every 3 other feature for Instagram. They are basically 4 working on growth and engagement. And then you 5 compare that to the number of engineers and product 6 managers that are working on well-being issues. 7 But really what should be the case is for 8 every product and every initiative you should have 9 dedicated safety teams and resources to make sure 10 that Reels is safe, that all these issues are 11 tackled. And so all of that gets resourced if it's 12 a priority. Reels, they would poach engineers. 13 And then the well-being team did not get 14 the same support and they were kind of off to, like, 15 the side from all the work being done, and so then 16 it's -- it doesn't have adequate resources to 17 support. 18 BY MR. CARTMELL: 19 Q. Did you believe the lack of resources and 20 funding provided by Meta leadership to the safety 21 work or the well-being work impacted the ability to 22 keep kids safe on Instagram? 23 MS. JONES: Objection. Foundation. Form. 24 THE WITNESS: Yes, I did. 25 ///</p>
<p style="text-align: right;">Page 155</p> <p>1 BY MR. CARTMELL: 2 Q. Number three is -- on your list of factors 3 that caused Meta's Instagram app to be unsafe for 4 kids -- is, "Meta Does Not Provide Adequate 5 Resources or Support for Safety/Well-Being Work." 6 Did I read that correctly? 7 A. Yes. 8 Q. What was your experience at Meta related 9 to whether or not leadership at Meta would provide 10 adequate resources or support for the well-being or 11 safety work? 12 A. The team was, like, tragically small 13 relative to the impact that users were having. 14 And the other thing that happened is the 15 team really only had resources to work on one or two 16 things at a time. That meant if something happened 17 you just have to move on to the next thing and leave 18 something half-finished or not out. And so the team 19 by such a large margin did not have adequate 20 resources for the tasks they were being asked to do. 21 Q. How did the resources or funding of the 22 well-being safety work at Instagram compare to the 23 resources and funding on the growth side of the 24 business? 25 MS. JONES: Objection. Foundation. Form.</p>	<p style="text-align: right;">Page 157</p> <p>1 BY MR. CARTMELL: 2 Q. And was that one of the things you were 3 doing while you were at Meta as their safety expert 4 supporting the Instagram Well-Being team? Were you 5 trying to convince leadership to provide adequate 6 resources and funding? 7 A. Yes, that was one of the key goals I had. 8 Q. When you were there in 2019 to 2021, was 9 Meta making billions of dollars in revenue? 10 A. Yes, they were. 11 Q. What is your opinion regarding whether 12 this lack of resources and support from Meta 13 leadership for safety and well-being, whether that 14 was a substantial factor in contributing to harmful 15 experiences on Instagram? 16 MS. JONES: Objection. Form. Foundation. 17 THE WITNESS: I think the lack of 18 resources was central to Instagram's lack of 19 meaningful safety tools and features at the time. 20 MR. CARTMELL: Mike, you had said 21 45 minutes, but I'm willing to go on. It's up to 22 you all. 23 MR. WARD: Sure, we can continue. 24 BY MR. CARTMELL: 25 Q. Number four states, "Instagram's Approach</p>

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<p style="text-align: right;">Page 158</p> <p>1 to Safety is Inadequate and Not Effective to Prevent 2 or Substantially Reduce Harms to Kids." 3 Did I read that correctly? 4 A. Yes. 5 Q. What -- why don't you explain what you 6 mean by that? 7 A. Like, what you need is a framework where 8 people can effectively -- it's a framework that has 9 four components. Component number one is for people 10 to be able to effectively report an issue they 11 experience. What happened to them, where it 12 happened to them, and how bad was it, the intensity. 13 Then step number two is you use the 14 information from step number one to protect other 15 people, right. You know something bad is happening, 16 you have enough information about it to then go 17 protect other people from experiencing that. 18 Number three, where appropriate, you give 19 feedback to the person who is initiating the harmful 20 action because everybody deserves to be treated with 21 respect. And also, if you give feedback some people 22 will stop and some people are going to continue. 23 And those people who continue are the ones that you 24 really need to pay attention to. 25 Those are the groomers, the</p>	<p style="text-align: right;">Page 160</p> <p>1 BY MR. CARTMELL: 2 Q. You mentioned that I think step one is 3 reporting from the users to the company about bad 4 experiences; is that right? 5 A. That is correct. 6 Q. And when you looked at Instagram's 7 reporting flow or that reporting system, did you 8 find it was flawed? 9 A. Yes, I did. 10 Q. In what respect? 11 A. The -- it was not designed for teenagers. 12 Teenagers and adults got exactly the same 13 categories. And the categories are not -- do not 14 reflect the harms that were, for example, in the 15 Negative Experiences Survey. And we knew from the 16 work I had done in my first stint that you have to 17 give people reasons that match what they are 18 experiencing in order for them to select and use the 19 tools that you are giving them. 20 And so if you see -- if somebody sends you 21 a dick pic, I don't know what you select in the 22 options that they have, which is one of the examples 23 I used extensively in my second stint, when I was 24 talking to people at Instagram saying, like, when a 25 teenagers gets an unwanted nude, what do they do?</p>
<p style="text-align: right;">Page 159</p> <p>1 sextortionists, the people that once you've told 2 them they're not supposed to do this they press on. 3 And you can find them and remove them. 4 And four, driving all of this, you have to 5 monitor and measure, right. You have to have a good 6 set of metrics, a good -- everything in Meta is 7 driven by metrics. It's the lifeblood of the 8 company. So you need a robust metrics framework and 9 a monitoring framework to know that what you're 10 doing as part of this methodology that's a cycle is 11 effectively reducing harm. 12 So when I look at Instagram's approach 13 during the time that I was there, is they were 14 not -- there were no metrics, people were not able 15 to tell them what was happening effectively, they 16 weren't gathering any information that could help 17 them protect others. There was this effort on 18 short-term features like hidden words. And, again, 19 not clear -- there was not a metric for hidden 20 words. So -- I mean, I can give more examples of 21 this. 22 Q. Let me follow up if I can. 23 MS. JONES: And let me just object to the 24 narrative response. 25 Go ahead.</p>	<p style="text-align: right;">Page 161</p> <p>1 And to this day, today, when a teenager gets an 2 unwanted nude, what do they do? I keep testing this 3 regularly in the hope that there is going to be 4 something, which is the first step. 5 Q. Okay. So -- and did you discover, when 6 you were looking, whether or not actually kids were 7 using the reporting flow and they had a meaningful 8 amount of kids reporting harms? 9 MS. JONES: Objection. Foundation. Form. 10 THE WITNESS: When we looked at the 11 reporting tools that they provide, one of the things 12 that we found is of the people who have had -- who 13 told us they had a bad experience, only 1 percent of 14 them finished submitting feedback through the 15 reporting tool. Like, one in a hundred people 16 actually used the tool all the way through. 17 I believe, based on prior experience and 18 the way this is assigned, that that number for 19 teenagers is likely much lower. 20 And then, like, how can you prevent harm 21 if you're not letting people tell you when it's 22 happening. 23 BY MR. CARTMELL: 24 Q. Is one of the things that you did when you 25 were at Meta from 2019 to 2021 as their safety</p>

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<p style="text-align: right;">Page 162</p> <p>1 consultant related to well-being and other safety 2 issues, did you try to recommend and convince 3 leadership to correct what you called the flawed 4 reporting flow? 5 MS. JONES: Objection to the form. 6 THE WITNESS: Yes, I did. 7 BY MR. CARTMELL: 8 Q. How did they react? Strike that. 9 Were you able to convince Meta's 10 leadership to do that? 11 A. As far as I can tell, the reporting flow 12 is the same today that it was in 2021 and very 13 similar to the way it was in 2019, and so it hasn't 14 changed. And I think that's a pretty good measure 15 of how they received the feedback that is in the 16 Negative Experiences Survey as well as all of the 17 work that I did in my second stint. 18 Q. And based on your experience, can a low 19 reporting flow like that contribute to cause harm to 20 kids on Instagram? 21 MS. JONES: Objection. Foundation. 22 THE WITNESS: Yes, it can. It's the first 23 step. If people cannot tell you about harm, then 24 how can you prevent it? 25 ///</p>	<p style="text-align: right;">Page 164</p> <p>1 more accurate reports and reducing the number of 2 reports that needed to be reviewed. And so I spoke 3 to the -- both the product manager and the 4 engineering manager for their team at Facebook that 5 was responsible for the reporting tools. 6 Q. And what did you find out? 7 A. I found out that, in the words of the 8 engineering manager -- well, I'm not going to -- let 9 me tell you what I found out and -- and as a result 10 of the conversations I had with all of them. 11 So this is not one person, but it was, 12 like, multiple people said this. The manager for 13 the team, the product manager, and the engineering 14 manager. 15 And what I learned from talking to them 16 was that they had had some difficulty maintaining 17 some of the older flows that were based on previous 18 infrastructure. So they removed the flows, at which 19 point reporting went up significantly, and they did 20 not have enough people to review. 21 So they adjusted the flow to add something 22 called friction, which is add steps that make people 23 drop off, so they don't complete the task, and that 24 they had always added a blue button that people 25 clicked in the knowledge that they believe they had</p>
<p style="text-align: right;">Page 163</p> <p>1 BY MR. CARTMELL: 2 Q. You mentioned that there were no metrics 3 in place; is that right? 4 MS. JONES: Objection to form. 5 BY MR. CARTMELL: 6 Q. Strike that. 7 You mentioned that one of the steps to 8 have an appropriate safety framework is that there 9 needs to be metrics in place for safety, correct? 10 A. Correct. 11 Q. Do you believe that Instagram had 12 appropriate metrics in place for safety? 13 A. They did not. 14 Q. Do they today? Do you know? 15 A. I don't know. 16 Q. Real quick, I want to ask you about when 17 you went back in 2019, did you actually also look at 18 the Facebook reporting flow? 19 A. Yes, I did. 20 Q. And did you actually also find that the 21 Facebook reporting flow was flawed? 22 A. Yes, I did. 23 Q. What did you find? 24 A. So I found that they had brought back a 25 lot of the changes that we had done, which led to</p>	<p style="text-align: right;">Page 165</p> <p>1 submitted a report when the blue button dismissed 2 the flow. 3 And this was something that everybody that 4 I spoke to within that part of the company was aware 5 of. And I found that very problematic. 6 Q. Was Meta actually making design changes to 7 the Facebook reporting flow to discourage reporting? 8 MS. JONES: Objection. Foundation. 9 THE WITNESS: That is correct. 10 BY MR. CARTMELL: 11 Q. And did Meta actually intentionally 12 include what you called a blue button to try to 13 lower the amount of reporting? 14 MS. JONES: Same objection. 15 THE WITNESS: That is correct. 16 BY MR. CARTMELL: 17 Q. Let me ask you. Your reaction to that, 18 you said it was problematic. 19 Did that tell you anything about Meta's 20 commitment to safety? 21 MS. JONES: Objection to the form. 22 THE WITNESS: Yes, it did. 23 BY MR. CARTMELL: 24 Q. What did it tell you? 25 A. Not a priority. It's more important to</p>

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<p style="text-align: right;">Page 166</p> <p>1 reduce the number of reports that you get than it is 2 to make a better product that helps people tell you 3 what the harm is and then do the work of going and 4 reducing that harm. 5 Q. You mentioned that you also did an 6 assessment of the safety tools and features on 7 Instagram during your stint during 2019 to '21; is 8 that right? 9 A. That's right. 10 Q. When you did an assessment of Instagram's 11 safety tools and features, did you find that there 12 were any that were effective at preventing or 13 substantially reducing harms to kids on Instagram? 14 A. I believe that at the time there were no 15 tools that were effective at reducing the harm that 16 kids were experiencing on Instagram. 17 Q. I have seen that you described Instagram's 18 safety tools and features as placebo; is that right? 19 A. I have, yes. 20 Q. What does that mean? 21 A. It means that they are tools that sound 22 good but that don't effectively -- or reduce 23 real-world harm. And so they -- I think that they, 24 like, sound really good in the press and sound good 25 for regulators or people trying to pass legislation,</p>	<p style="text-align: right;">Page 168</p> <p>1 BY MR. CARTMELL: 2 Q. And did Meta know that, that if they made 3 their safety features opt-in on Instagram, that the 4 adoption rate or the number of kids, for instance, 5 that would use them would be very low? 6 MS. JONES: Objection to the form and 7 foundation. 8 THE WITNESS: Yes. 9 BY MR. CARTMELL: 10 Q. Meta could have made safety features and 11 tools default features that kids had to use, 12 correct? 13 MS. JONES: Same objection. 14 Excuse me. 15 Go ahead. 16 THE WITNESS: Did you get to say? 17 MS. JONES: Objection. Form and 18 foundation. 19 THE WITNESS: Yes. 20 BY MR. CARTMELL: 21 Q. Did Meta choose not to do that though? 22 MS. JONES: Same objections. 23 THE WITNESS: Yes. 24 BY MR. CARTMELL: 25 Q. And if they had been default features, do</p>
<p style="text-align: right;">Page 167</p> <p>1 but when you test the substance of it, they don't 2 make teens' life meaningfully safer. 3 Q. When you did your assessment of the safety 4 features during that stint in 2019 to '21, did you 5 find that most of the safety features or all of the 6 safety features are actually opt-in safety features 7 at that time? 8 MS. JONES: Objection to foundation and 9 characterization. 10 THE WITNESS: When I looked at the 11 features, they were both opt-in and also there were 12 no meaningful efforts to get people to use them, 13 which is something I discussed. 14 BY MR. CARTMELL: 15 Q. From a safety engineering perspective and 16 child safety expert like you have been for 30 years, 17 does the fact that a safety tool or feature is off 18 opt-in affect whether or not that will prevent or 19 reduce harms? 20 MS. JONES: Objection to the form and 21 foundation. 22 THE WITNESS: If a feature is opt-in, 23 almost nobody will use it. And I can provide many 24 examples of that throughout my career. 25 ///</p>	<p style="text-align: right;">Page 169</p> <p>1 you think that a substantially higher number of kids 2 would have used those safety tools and features? 3 A. Yes. 4 MS. JONES: Excuse me. 5 THE WITNESS: Sorry. 6 MS. JONES: No, no. That's okay. 7 Objection. Foundation. 8 THE WITNESS: Yes. 9 BY MR. CARTMELL: 10 Q. Did you assess whether the safety tools 11 and features were effective to prevent harms from 12 addiction and problematic use? 13 A. Yes. 14 Q. From negative social comparison or body 15 image issues? 16 A. Yes. 17 Q. From unwanted sexual interactions or 18 inappropriate interactions with adults? 19 A. Yes. 20 Q. From bullying and harassment? 21 A. Yes. 22 Q. Did you find any safety features while you 23 were there from 2019 to 2021 effective to prevent or 24 substantially reduce harms to kids? 25 A. I did not.</p>

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<p style="text-align: right;">Page 170</p> <p>1 MR. CARTMELL: Can we take a break?</p> <p>2 MR. WARD: Is this a lunch break?</p> <p>3 MR. CARTMELL: Yeah.</p> <p>4 MR. WARD: Everybody all right? Okay.</p> <p>5 THE VIDEOGRAPHER: Time is 1:02. We're 0</p> <p>6 off the record.</p> <p>7 (Whereupon, a brief recess was taken.)</p> <p>8 THE VIDEOGRAPHER: Time is 1:57 we're back</p> <p>9 on the record.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. Mr. Bejar, we're back on the record after</p> <p>12 a lunch break.</p> <p>13 Are you ready to proceed?</p> <p>14 A. Yes, I am.</p> <p>15 Q. Before lunch we were talking about number</p> <p>16 four on the factors that you provided that caused</p> <p>17 Meta's Instagram app to be unsafe for kids. And you</p> <p>18 were talking about -- I think you used the word sort</p> <p>19 of the framework that needed to be in place to help</p> <p>20 prevent harms to kids.</p> <p>21 Do you recall that?</p> <p>22 A. I do.</p> <p>23 Q. What I would like to do is, if we could,</p> <p>24 have you state that framework again. I want it to</p> <p>25 be very clear what you are talking about with</p>	<p style="text-align: right;">Page 172</p> <p>1 through that framework and how that would work to</p> <p>2 prevent harms in the future.</p> <p>3 A. Absolutely. So you start when you ask</p> <p>4 teenagers and they tell you I have experienced an</p> <p>5 unwanted advance in the last seven days. Where have</p> <p>6 you experienced it? Oh, some of them might be in</p> <p>7 messages or maybe through comments, for example.</p> <p>8 Then you go to number one. Number one is,</p> <p>9 is there a way for a teenager to effectively report</p> <p>10 that they have experienced this? So you want a</p> <p>11 button that they will use where they can say, hey, I</p> <p>12 just wanted to -- an unwanted advance. You want to</p> <p>13 make sure that button is right next to where the</p> <p>14 harm is happening so you know where it's happening.</p> <p>15 And you also want to know kind of how bad is it.</p> <p>16 Because you can, most of the time, not tell how bad</p> <p>17 an experience is from just looking at the content.</p> <p>18 So now you have important information.</p> <p>19 You have what did the teen experience, what</p> <p>20 interaction appears the conduct was connected to,</p> <p>21 what happened, and how bad was it.</p> <p>22 Then number two is you use that</p> <p>23 information to prevent other kids from experiencing</p> <p>24 the same issue. So if you allowed a teenager to</p> <p>25 say, hey, that was an unwanted advance, then you can</p>
<p style="text-align: right;">Page 171</p> <p>1 respect to what safety framework you think needed to</p> <p>2 be in place at Meta on Instagram to keep kids safe.</p> <p>3 MS. JONES: Objection to the form and</p> <p>4 calls for a narrative.</p> <p>5 THE WITNESS: Okay. So there are four</p> <p>6 things you need.</p> <p>7 Number one is effective reporting where</p> <p>8 people can tell you what happened, where it happened</p> <p>9 to them, and how intense it was and how bad was it.</p> <p>10 Then number two, you use that information</p> <p>11 that you collected to help prevent other people from</p> <p>12 experiencing similar harms.</p> <p>13 Number three, where appropriate, you give</p> <p>14 feedback to the actor, like the person who initiated</p> <p>15 the negative experience.</p> <p>16 And then number four is you need to</p> <p>17 monitor and measure the effectiveness of the</p> <p>18 framework because it is a methodology. It is a</p> <p>19 cycle.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. Okay. Great. Now, let me follow up on</p> <p>22 that.</p> <p>23 I would like to, if you could, take an</p> <p>24 example for, let's say, an unwanted sexual advance</p> <p>25 that a kid is having, and if you could take us</p>	<p style="text-align: right;">Page 173</p> <p>1 keep a counter on the server and say, oh, look, that</p> <p>2 person initiated unwanted advance three or four</p> <p>3 times. Maybe you should either block them or tell</p> <p>4 them that they shouldn't do it, depending on -- now</p> <p>5 you have information you can find that.</p> <p>6 So once you have that signal of the</p> <p>7 unwanted advance, you can use it to find people that</p> <p>8 maybe did it a lot, and then that is where the</p> <p>9 predators, the sextortionists and those people live.</p> <p>10 They behave differently than two people that might</p> <p>11 have been doing this to each other.</p> <p>12 Then number three is if it is the first</p> <p>13 few times, and this is so critical, you use the</p> <p>14 information to go, excuse me, Pat, you should know</p> <p>15 that Instagram Direct Messaging is not an</p> <p>16 environment where you should send unwanted advances.</p> <p>17 Because in probably 20 or 30 products that</p> <p>18 are built between 2009 and 2015, we found that most</p> <p>19 people, when you tell them respectfully they are not</p> <p>20 supposed to do that, they stop. And so then you are</p> <p>21 affecting the source.</p> <p>22 Also, the other benefit of telling that to</p> <p>23 somebody respectfully is that if people keep doing</p> <p>24 it, then that person might be a predator. There</p> <p>25 might be other issues there. And then you can have</p>

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<p style="text-align: right;">Page 174</p> <p>1 very effective interventions that find predators, 2 that isolate them, find people that are doing, for 3 example, sextortion, and then finding other similar 4 accounts and then eradicating them. 5 And then number four, well, how do you 6 know if all of these things are working, right. The 7 number of kids who were telling you they were 8 getting unwanted advances should go down. The 9 number of reports, once you have implemented the 10 full cycle and had a chance to run over time, should 11 go down. You especially don't want the same person 12 having the experience multiple times, because that 13 tells you, again, things might be going wrong. 14 And so if you allow a teenager to, number 15 one, tell you when they have experienced unwanted 16 advance, use that information to prevent it from 17 others, give feedback where appropriate, and then 18 measure the cycle, you could dramatically reduce the 19 amount of unwanted advances that are happening on 20 the platform. 21 Q. In your opinion, based on your expertise 22 and training and experience, that framework, will it 23 more likely than not reduce the harm? 24 MS. JONES: Objection. Foundation. 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 176</p> <p>1 somebody that is going from post to post to post, 2 like, bullying or harassing people? Which there are 3 people who go around spreading that kind of harm. 4 And then you go, like, okay. I'm going to stop you 5 from doing that. Now you know. 6 Number three, you tell them, hey, this is 7 not the place where you do that kind of activity. 8 And if they don't listen to you, then you know you 9 have a different kind of problem. 10 Number four, you should see, right, as you 11 communicate to people in -- this works the same in 12 schools as it works the same in workplaces. As you 13 give feedback to people, you should see the number 14 of repeat incidents by individuals go down over 15 time, and over a longer period of time the numbers 16 should absolutely go down. 17 Q. So in these circumstances that you have 18 just given examples of bullying and unwanted 19 advances, is it content agnostic? 20 A. Yes. 21 MS. JONES: Object to the form and 22 foundation. 23 BY MR. CARTMELL: 24 Q. What does content agnostic mean? 25 A. Content -- and for these cases, like,</p>
<p style="text-align: right;">Page 175</p> <p>1 BY MR. CARTMELL: 2 Q. Okay. And that framework that we just 3 talked about was an example of a bad actor, for 4 example, right? 5 A. Correct. 6 Q. So would the same thing happen or could it 7 be adaptable to -- strike that. 8 Can that framework be adaptable to a bully 9 who is doing something, a bad actor bully? 10 A. That is correct. And so one of the things 11 that we found is that, like, when a teen is 12 experiencing bullying that is most distressing, you 13 really cannot tell from the content how -- how bad 14 it is. It could even be a compliment about 15 somebody's glasses. Once you talk to the teen or 16 understand the circumstances, it makes a lot of 17 sense. 18 So you use that information to make sure 19 that, again, a teen is able to tell you. We knew 20 from the work with Yale that step number one, this 21 effective reporting that I described, makes the teen 22 feel safer at the end of step one, which is 23 essential when it comes to bullying or harassment. 24 And then, again, you find -- are these 25 people doing it all over the place? Do you have</p>	<p style="text-align: right;">Page 177</p> <p>1 unwanted sexual advances, bullying, it doesn't 2 matter what the content is. What matters is the 3 distress that the teen is experiencing and helping 4 them with that, and then noticing patterns in 5 conduct. 6 So I don't have to define all of the 7 millions of ways that people can do this to each 8 other. I mean, just in conversations with my 9 daughter, just having her describe the different 10 messages that she was getting, I know from, like, a 11 lifetime in the field you couldn't take something 12 that takes, for example, especially like Netflix and 13 Chill, which is a colloquial way for asking for sex, 14 as something that you would want to build a tool to 15 stop those words, right. It wouldn't work. 16 But I know that, for example, a 17 compliment, like, you look so good today, when you 18 look at the Chat logs of predators and groomers, 19 they are all compliments. 20 And so then if somebody is telling you 21 this compliment made me really uncomfortable 22 intensity, then you might know that you are in a 23 grooming circumstance. 24 It doesn't matter what the content is. 25 What matters is the response. And then you look for</p>

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<p style="text-align: right;">Page 178</p> <p>1 patterns in conduct to prevent further harm. 2 Q. So you're not in that framework asking 3 Meta to take anything down as far as content, 4 correct? 5 A. That is correct. 6 Q. It's behavior that is being changed; is 7 that right? 8 A. That is correct. 9 Q. Okay. And the tools and features that you 10 have described in the framework that you believe 11 Meta should have had on Instagram, would that be 12 adaptable as well to harms to teens related to body 13 image issues or suicide and self-injury content they 14 are seeing, that sort of thing? 15 MS. JONES: Objection to the form and 16 foundation. 17 THE WITNESS: Yes, they would. 18 BY MR. CARTMELL: 19 Q. Can you explain that, please. 20 A. So in talking to people who have lived the 21 experience with eating disorders, I learned that the 22 kind of content they get recommended are things like 23 recipes, lose weight fad, body image issues that are 24 profoundly distressing to them. 25 So if you made it easy for somebody to</p>	<p style="text-align: right;">Page 180</p> <p>1 But, also, let's say -- I don't know -- 3 2 to 5 percent of teens are telling you about, like, 3 body image, stuff that makes them uncomfortable. 4 Well, maybe you should not be recommending that 5 content based on community feedback. It's not that 6 the content shouldn't be posted. As long as 7 anything is allowed by the terms of service, people 8 should be able to post it. 9 Again, I profoundly believe in the freedom 10 of speech and people to express whatever the 11 platform allows. But if a teenager is telling you 12 don't recommend that to me because it's eating 13 disorder content and it's very distressing to me, 14 that should be a very high signal for you to maybe 15 not be recommending that content to other teens. 16 And then in the process of doing that, you 17 are going to reduce the likelihood that teens are 18 going to experience that kind of content, kind of 19 what you see in the survey. 20 Then the next step is feedback. You might 21 want to let content creators know, hey, your content 22 is getting less distribution because community has 23 told us that they kind of identified with eating 24 disorder, and this is the feedback from the 25 community to you. Maybe you should think about --</p>
<p style="text-align: right;">Page 179</p> <p>1 say, again, report effectively, oh, don't show me 2 that content, why, what is happening, or it's bad 3 for eating disorders. And, again, you want to find 4 the language that works for them. This is like 5 established research of how to go about that. 6 And then you ask them, well, how important 7 this is for you? How intense this is? And they 8 might be, like, yeah, this is pretty important, help 9 me. 10 Then you can actually do two things that 11 are incredibly important. One of them is you can 12 ensure that that teenager no longer gets recommended 13 that kind of content, because you can control that. 14 Q. Meta can control that? 15 A. Yes. So Meta can control -- the way they 16 can -- the way Instagram can give you a selection of 17 cat videos or other related things, they can also 18 say, no, you don't get cat videos, right. So there 19 is internal tools that manage content this way. And 20 so you could say don't recommend to me this kind of 21 content. And then you record that. 22 So like number one, again, you go to like 23 step number two, prevent the teen from getting 24 further of that content, and then you are stopping 25 the harm that that teen is experiencing.</p>	<p style="text-align: right;">Page 181</p> <p>1 if you want more reach, maybe think about adjusting 2 your content. 3 And number four, you really want to be 4 able to measure and track over time are teens seeing 5 to them what is eating disorder content, and that 6 number should go down if this system -- if this 7 methodology is correctly implemented. 8 MS. JONES: I am going to object to the 9 narrative. Nonresponsive. 10 Go ahead. 11 BY MR. CARTMELL: 12 Q. Okay. Thank you for that. 13 Now was Meta doing on Instagram any of 14 those things that you mentioned as a part of an 15 appropriate framework for safety on Instagram? 16 A. They were not. 17 Q. And as a result of that, do you believe 18 that safety of kids on Instagram -- strike that. 19 As a result of that, do you believe that 20 the lack of that framework caused or contributed to 21 cause an unsafe Instagram for kids? 22 MS. JONES: Objection to the form and 23 foundation. 24 THE WITNESS: I do. 25 ///</p>

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<p style="text-align: right;">Page 182</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Let's move to -- actually, before we do</p> <p>3 that, I have a few more questions for you on number</p> <p>4 four.</p> <p>5 That framework that you had told us about</p> <p>6 to help protect kids on Instagram, based on your</p> <p>7 expertise, do you believe that framework should have</p> <p>8 been in place by the time you arrived at Meta for</p> <p>9 your second stint in 2019?</p> <p>10 A. Yes, I do.</p> <p>11 Q. Why is that?</p> <p>12 A. That framework had been in place for</p> <p>13 Facebook during my first stint. So the way through</p> <p>14 which we discovered and reduced harm that people,</p> <p>15 including teens, were experiencing was by the</p> <p>16 application of that framework.</p> <p>17 Q. So it was obviously technically feasible</p> <p>18 for Meta to do that well before 2019?</p> <p>19 MS. JONES: Objection. Foundation.</p> <p>20 MR. CARTMELL: I'll restate it.</p> <p>21 Q. Was it technically feasible for Meta to</p> <p>22 put in place that safety framework on Instagram</p> <p>23 before 2019?</p> <p>24 MS. JONES: Same objection.</p> <p>25 THE WITNESS: Yes, it was technically</p>	<p style="text-align: right;">Page 184</p> <p>1 what was the required minimum age for a kid to have</p> <p>2 an account?</p> <p>3 A. At the time, on Instagram, there was a</p> <p>4 "don't ask, don't tell" policy.</p> <p>5 Q. Okay. Was there a written --</p> <p>6 MS. JONES: Let me just object to that</p> <p>7 answer as nonresponsive to the question.</p> <p>8 Go ahead.</p> <p>9 THE WITNESS: Okay.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. I'll restate the question.</p> <p>12 In 2012, from that time until you left in</p> <p>13 2015, at Meta, was there a written policy related to</p> <p>14 the minimum required age for kids on Instagram?</p> <p>15 A. There was not.</p> <p>16 Q. Was the required age that people discussed</p> <p>17 13? In other words, was there a terms of service or</p> <p>18 something that stated that you had to be -- a kid</p> <p>19 had to be 13 to be on Instagram?</p> <p>20 A. No.</p> <p>21 MS. JONES: Objection to the form.</p> <p>22 BY MR. CARTMELL:</p> <p>23 Q. What was your understanding while you were</p> <p>24 at Meta from 2012 to 2015 about Instagram's age</p> <p>25 verification policy?</p>
<p style="text-align: right;">Page 183</p> <p>1 feasible. And then as new technologies entered, it</p> <p>2 would have gotten so much more effective than it</p> <p>3 originally was.</p> <p>4 BY MR. CARTMELL:</p> <p>5 Q. I want to switch gears a little bit, but</p> <p>6 still talking about number four.</p> <p>7 Is actually age verification a part of an</p> <p>8 appropriate safety framework?</p> <p>9 A. Yes, it is.</p> <p>10 Q. In other words, do you believe Instagram</p> <p>11 should have had appropriate age verification in</p> <p>12 place to keep kids safe on Instagram?</p> <p>13 A. Yes, I do.</p> <p>14 Q. Let's talk about your first stint at Meta</p> <p>15 when you were working on the Facebook app and they</p> <p>16 purchased Instagram. Okay?</p> <p>17 A. Yes.</p> <p>18 Q. In 2012 they purchased Instagram, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And then between 2012 and 2015 was the</p> <p>21 period of time that you were at Meta and working</p> <p>22 some in conjunction with Instagram's leaders; is</p> <p>23 that correct?</p> <p>24 A. That is correct.</p> <p>25 Q. At that time in 2012 to 2015, on Instagram</p>	<p style="text-align: right;">Page 185</p> <p>1 MS. JONES: Objection. Foundation.</p> <p>2 THE WITNESS: So I had many conversations</p> <p>3 about this with many people, including the product</p> <p>4 manager that I managed who was responsible for age</p> <p>5 verification on Facebook. And those conversations,</p> <p>6 it was common knowledge that there were young kids</p> <p>7 using Instagram. And, I mean, that was a big reason</p> <p>8 behind the accusation.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. What do you mean, that was a big reason</p> <p>11 behind the acquisition?</p> <p>12 MS. JONES: Objection. Foundation.</p> <p>13 THE WITNESS: In the conversations that I</p> <p>14 had with many people at the time, that that was one</p> <p>15 of the key reasons of the -- for the Instagram</p> <p>16 acquisition.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. Meta wanted the very young kids on their</p> <p>19 social media apps?</p> <p>20 MS. JONES: Same objections. Lack of</p> <p>21 foundation.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. CARTMELL:</p> <p>24 Q. Let me ask you, so was it well-known at</p> <p>25 Meta in 2012 to 2015 that there were kids on</p>

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<p style="text-align: right;">Page 186</p> <p>1 Instagram who were under the age of 13?</p> <p>2 MS. JONES: Objection. Foundation.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. CARTMELL:</p> <p>5 Q. Did leadership at Meta know that at that</p> <p>6 time?</p> <p>7 MS. JONES: Same objection.</p> <p>8 THE WITNESS: I would have to think so</p> <p>9 given how it was common knowledge in the</p> <p>10 conversations that I had with the people working on</p> <p>11 these issues.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. And what, as far as you know, was the</p> <p>14 policy that was being implemented there as far as</p> <p>15 kids under 13 being on Instagram?</p> <p>16 MS. JONES: Objection to the form.</p> <p>17 THE WITNESS: I was not aware of any</p> <p>18 policy being implemented about kids being under 13</p> <p>19 on Instagram.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. You mentioned don't ask, don't tell,</p> <p>22 correct?</p> <p>23 A. That is correct.</p> <p>24 Q. What did you mean by that?</p> <p>25 A. It means that you know that there are kids</p>	<p style="text-align: right;">Page 188</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Based on your understanding, when you</p> <p>3 returned to Meta in 2019, was it still well-known</p> <p>4 among the employees at Meta that there were kids on</p> <p>5 Instagram who were younger than 13?</p> <p>6 MS. JONES: Objection. Foundation.</p> <p>7 THE WITNESS: Yes. But it was also</p> <p>8 something you did not talk about.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. Did you have any estimation from your</p> <p>11 conversations or your work and research at Meta when</p> <p>12 you returned in 2019 about the extent of the problem</p> <p>13 with kids younger than 13 on Instagram?</p> <p>14 MS. JONES: Same objection.</p> <p>15 Excuse me. Objection. Form. And</p> <p>16 foundation.</p> <p>17 Go ahead.</p> <p>18 THE WITNESS: I did not.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. Do you believe that it was likely millions</p> <p>21 and millions of kids?</p> <p>22 A. Absolutely.</p> <p>23 MS. JONES: Hold on.</p> <p>24 Same objection to the foundation as</p> <p>25 earlier.</p>
<p style="text-align: right;">Page 187</p> <p>1 under 13 there but you do not really talk about it</p> <p>2 and you don't ask about it. Like, if you didn't</p> <p>3 know somebody was under 13, then you didn't have to</p> <p>4 do anything about it.</p> <p>5 Q. Do you remember whether Instagram during</p> <p>6 your first stint was asking kids for their age at</p> <p>7 sign up?</p> <p>8 A. They were not.</p> <p>9 Q. When you returned to Meta in 2019,</p> <p>10 October, do you know whether Instagram was asking</p> <p>11 kids for their age when they would sign up for an</p> <p>12 Instagram account?</p> <p>13 MS. JONES: Objection. Foundation.</p> <p>14 THE WITNESS: I believe they began asking</p> <p>15 at some point in 2019 but I don't recall the</p> <p>16 specific date.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. Was your understanding that from 2012,</p> <p>19 when Meta acquired Instagram, until sometime in</p> <p>20 2019, Meta was not asking kids for their age when</p> <p>21 they would sign up for an account?</p> <p>22 A. Yes.</p> <p>23 (Whereupon, a brief discussion off the</p> <p>24 record.)</p> <p>25 ///</p>	<p style="text-align: right;">Page 189</p> <p>1 THE WITNESS: Absolutely.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. And what is that based on?</p> <p>4 A. It's a combination of the number of people</p> <p>5 that I knew that had talked about their kids being</p> <p>6 under 13 going on Instagram. So it played out in my</p> <p>7 kids' schools. And then later on by just doing</p> <p>8 basic testing of the product to see if we could find</p> <p>9 those kinds of accounts.</p> <p>10 Q. Was the policy, so to speak, at Meta when</p> <p>11 you returned in 2019 about age verification and</p> <p>12 underage kids still don't ask, don't tell?</p> <p>13 A. I think for Instagram that depends on the</p> <p>14 dates they start asking. I think up to the point</p> <p>15 where they started asking is when you say yes for</p> <p>16 Instagram.</p> <p>17 I think for Facebook, the policy was from</p> <p>18 the beginning. If we become aware of an account,</p> <p>19 then we will remove it and we'll ask for age at</p> <p>20 sign-up. This is one of the things that I managed</p> <p>21 in my first stint.</p> <p>22 Q. Okay. How was it when you returned to</p> <p>23 Meta in 2019 that they would actually manage or act</p> <p>24 on kids under the age of 13 having accounts; do you</p> <p>25 know?</p>

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<p style="text-align: right;">Page 190</p> <p>1 A. At Instagram, I was not aware of any 2 efforts to detect or remove under-13 accounts. 3 Q. Do you believe that Instagram -- strike 4 that. 5 Do you believe that Meta was diligent in 6 trying to remove kids that were under age 13 from 7 Instagram? 8 MS. JONES: Objection. Foundation. 9 THE WITNESS: Absolutely not. 10 BY MR. CARTMELL: 11 Q. Was that concerning to you as an online 12 child safety expert? 13 A. Yes. 14 Q. You testified previously that you did not 15 believe that Instagram was a safe place for kids, 16 correct? 17 A. That is correct. 18 Q. And I'm guessing the same thing would be 19 true definitely for kids younger than 13? 20 A. Absolutely. 21 Q. Did Instagram have the ability to build 22 effective tools to try to prohibit kids younger than 23 13 from being on Instagram? 24 A. Yes, they did. 25 Q. Did they ever do that while you were</p>	<p style="text-align: right;">Page 192</p> <p>1 BY MR. CARTMELL: 2 Q. I've handed you Exhibit 13 -- oh -- strike 3 that. 4 I've handed you Exhibit 11. And we're 5 going to play a clip of testimony from Adam Mosseri. 6 Adam Mosseri is who? 7 A. He's the head of Instagram. 8 Q. Is this Adam Mosseri on the screen? 9 A. Yes, it is. 10 (Video playing.) 11 MR. CARTMELL: Just start -- I think you 12 could get a little more of the first word, 13, I 13 don't know, Jim, but try one more time, please. 14 (Video playing.) 15 MS. JONES: I'm going to object to the 16 out-of-context play of the deposition clip for which 17 Mr. Bejar has no foundation to testify. 18 Go ahead. 19 BY MR. CARTMELL: 20 Q. You heard Mr. Mosseri talking about Meta's 21 policy related to having kids under 13 on the 22 platform? 23 A. Correct. 24 Q. Do you agree with Mr. Mosseri's testimony? 25 A. I do not.</p>
<p style="text-align: right;">Page 191</p> <p>1 there? 2 A. Not as far as I'm aware. 3 MS. JONES: Excuse me. 4 I'm going to object to the last two 5 questions on foundation. 6 BY MR. CARTMELL: 7 Q. Go ahead. 8 A. Not as far as I'm aware. 9 Q. If Meta's executives say that they do not 10 allow kids under 13 on Instagram, how would you 11 respond to that? 12 A. I think that's lying. 13 Q. Do you think that's a truthful statement? 14 A. No, I don't think that's a truthful 15 statement. 16 Q. What if Meta's executives state that they 17 don't allow them -- they try to find them and they 18 try as quickly as possible to get kids under 13 off 19 of Instagram; do you agree with that? 20 MS. JONES: Objection to the foundation. 21 THE WITNESS: I profoundly disagree with 22 that. 23 (Whereupon, Meta-Bejar Exhibit 11 was 24 marked for identification.) 25 ///</p>	<p style="text-align: right;">Page 193</p> <p>1 Q. Why is that? 2 A. Because they do allow, like, practically 3 allow under-13 kids on the platform and they do not, 4 and I was not aware of at the time, have any decent 5 efforts at identifying them and removing them. 6 If you search -- so Instagram you have 7 these things called hashtags. And you can search 8 for the hashtag like eighth birthday, which is 9 something that -- labels people put on their posts. 10 And on the first page of results there are multiple 11 kids that on their profile page they say, I am 12 eight. And they are so easy to find and there are 13 many on there. And if we go back to sort of we were 14 talking about, trying to report them is nearly 15 impossible. 16 And one of my responsibilities on my first 17 stint was the infrastructure that detected fake 18 accounts. And I cannot tell you how sophisticated 19 people can be at creating fake accounts. That 20 infrastructure that was available in 2011 or '12 21 could be used to so effectively identify accounts 22 created by eight-year-olds in order to then require 23 further verification to establish whether they are 24 actually the kid, what age they are, if their 25 parents are aware.</p>

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<p style="text-align: right;">Page 194</p> <p>1 And this is something we used to do at</p> <p>2 Facebook and I was not aware of any substantive</p> <p>3 efforts to do that at Instagram.</p> <p>4 Q. Even after Meta started asking for kids'</p> <p>5 ages on -- when kids would sign up for Instagram, in</p> <p>6 December of 2019 were there still kids on Instagram</p> <p>7 under the age of 13?</p> <p>8 MS. JONES: Objection. Foundation.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. And at that point, even after they were</p> <p>12 asking for age -- ages, I take it some kids would</p> <p>13 lie?</p> <p>14 A. Yes.</p> <p>15 Q. Is that well-known in the industry, that</p> <p>16 kids lie when they sign up for an Instagram or other</p> <p>17 social media account?</p> <p>18 MS. JONES: Foundation. Objection.</p> <p>19 Foundation.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. Do you know that based on your 30 years in</p> <p>23 the industry?</p> <p>24 A. Yes. And managing this issue for Yahoo!</p> <p>25 and managing this issue for Facebook.</p>	<p style="text-align: right;">Page 196</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. You're talking about testing that you did</p> <p>3 a week ago; is that right?</p> <p>4 A. In the most recent weeks. So beginning --</p> <p>5 like for the last month I've been doing some</p> <p>6 testing.</p> <p>7 Q. Okay. I'm going to hand you what has been</p> <p>8 marked as Exhibit 12.</p> <p>9 (Whereupon, Meta-Bejar Exhibit 12 was</p> <p>10 marked for identification.)</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. And ask you what Exhibit 12 is.</p> <p>13 This was something that you produced from</p> <p>14 your files in this litigation; is that correct?</p> <p>15 A. That is correct.</p> <p>16 Q. So tell us, you mentioned that you had</p> <p>17 done testing on accounts in the past, correct?</p> <p>18 A. That is correct.</p> <p>19 Q. And is this a -- an account of the testing</p> <p>20 you've done over time?</p> <p>21 A. That is correct.</p> <p>22 Q. Why don't you go ahead and just explain</p> <p>23 briefly what this document is that we just marked as</p> <p>24 Exhibit 12.</p> <p>25 A. Yeah. So in November of 2023, I really</p>
<p style="text-align: right;">Page 195</p> <p>1 Q. Even after Instagram started asking for</p> <p>2 ages of kids and knowing that kids would lie, were</p> <p>3 they diligent in trying to find those kids and make</p> <p>4 sure that they were not on Instagram?</p> <p>5 MS. JONES: Objection. Foundation.</p> <p>6 THE WITNESS: I believe that they actually</p> <p>7 were the opposite of that. That they made it almost</p> <p>8 impossible to report underage accounts and -- that</p> <p>9 there were features that were designed to appeal to</p> <p>10 those kids and that you can find them today, like a</p> <p>11 week ago, and they're still -- videos where kids --</p> <p>12 there is, a little song it goes, like, "I am 16,</p> <p>13 going on 17." And Instagram has a feature that</p> <p>14 allows you to use that song in a video that you</p> <p>15 make.</p> <p>16 And, like, a week ago or two, I found</p> <p>17 this -- some kids using that song, 22,000 of them,</p> <p>18 and they say how old they are and the number goes on</p> <p>19 the screen and so, "I am 16, going on 17." And they</p> <p>20 go like this and the actual age pops up. And it</p> <p>21 reads 11, 9, 8, 7, all of these numbers. And</p> <p>22 there's 22,000 of them. I think if your technology</p> <p>23 doesn't find those kids, I really don't know what</p> <p>24 you're trying to find.</p> <p>25 ///</p>	<p style="text-align: right;">Page 197</p> <p>1 wanted to see what the experience was of a teenager</p> <p>2 on Instagram. And so I wanted to create a few test</p> <p>3 accounts in order to understand that and I could</p> <p>4 give concrete examples.</p> <p>5 The testing protocol I use, sort of the</p> <p>6 steps I followed, is kind of like what you would do</p> <p>7 as a parent if you gave your kid a phone. So got</p> <p>8 the phone out of the drawer, erased it, create an</p> <p>9 account on Apple with the right age, so 13 or 14. I</p> <p>10 tested both ages. I tested boy/girl. These list</p> <p>11 the girls that I kind of focused on.</p> <p>12 And then I created Instagram, downloaded</p> <p>13 it, and just went in initially all defaults. I</p> <p>14 didn't do any searches. I didn't do any of the</p> <p>15 things that kind of prime algorithms just to see how</p> <p>16 things work. And I have continued to test those</p> <p>17 accounts.</p> <p>18 Q. And this document outlines that testing.</p> <p>19 And what are the pages attached to it with dates</p> <p>20 starting as early as 2023?</p> <p>21 A. So it outlines what I did to test. And</p> <p>22 then these are videos that I took from the phone</p> <p>23 while I was doing the testing that were -- that's</p> <p>24 kind of what the phone recorded. And I labeled the</p> <p>25 videos to describe what the videos captured.</p>

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<p style="text-align: right;">Page 198</p> <p>1 Q. You mentioned that you did some testing to 2 look at whether or not there were underaged kids on 3 Instagram; is that correct? 4 A. That is correct. 5 (Whereupon, Meta-Bejar Exhibit 13 was 6 marked for identification.) 7 BY MR. CARTMELL: 8 Q. Mr. Bejar, I have provided you Exhibit 13 9 which is a slipsheet for a clip of a video that you 10 took during your testing that involves looking for 11 underage kids on Instagram. It's -- the source is 12 BEJAR0002542. 13 Do you see that? 14 A. I do. 15 Q. Okay. And can you tell us what, before we 16 start the video, what it was you did with this 17 phone? 18 A. Yeah. So -- so I had -- I tried different 19 things with different accounts. So my initial 20 testing for the very first account was -- was to see 21 sort of how some features were implemented. And 22 then I also searched for some gymnastics content and 23 then sort of got recommended videos of very young 24 girls in different kinds of outfits. That is the 32 25 ending account.</p>	<p style="text-align: right;">Page 200</p> <p>1 to understand how the features were working in terms 2 of preventing issues. 3 Q. Was November of 2023 when you went public? 4 A. It was, yes. 5 Q. Did you draw on your -- excuse me. 6 Did you draw on your 30-plus years of 7 experience in this industry when performing these 8 tests? 9 A. Yes, I did. I have 30-plus years of 10 experience of testing safety features and security 11 features and -- so that you can make accurate 12 representations about what they do or don't do. And 13 that was the protocol I tried to follow. 14 MR. CARTMELL: Okay. Let's show clip 77, 15 please. 16 (Video playing.) 17 BY MR. CARTMELL: 18 Q. So, Mr. Bejar -- 19 A. Can I have just a moment? 20 Q. Yeah. Take your time. 21 A. Thank you. 22 Q. So first of all, I have some questions 23 about that. 24 How long did it take you to find all these 25 kids that are underage?</p>
<p style="text-align: right;">Page 199</p> <p>1 For the other accounts, the only thing I 2 did for a long period of time was to create the 3 account, go into Reels, no searches, no follows, and 4 watch videos and then if a particular video that met 5 that criteria came -- fed to me, I would watch it to 6 completion. And then I would swipe quickly videos 7 didn't meet that criteria. 8 So for example, if a video looked a little 9 racy, I would watch the video. If a video looked a 10 little violent, I would watch that video. If that 11 video was created by somebody who appeared to be 12 under 13, I would watch that video. And as a result 13 of that, what I found is within 8 to 12 minutes, 14 sometimes 18, the Reels algorithm adapted to give me 15 a stream of that content which I had watched. 16 Q. You said this was in -- or your first 17 testing was in November of 2023? 18 A. That is correct. 19 Q. Why were you doing it at that time? 20 A. I've always believed it's really important 21 to speak accurately about these things. And so I 22 really wanted to be able to be well informed, as I 23 was sort of entering public discourse around these 24 things, to be able to make accurate representation, 25 so what teens were getting delivered, and to be able</p>	<p style="text-align: right;">Page 201</p> <p>1 A. Less than a day of testing. 2 Q. How -- how is it that Meta doesn't make 3 sure that those kids aren't on there if they're 4 doing adequate age verification? 5 MS. JONES: Objection. Foundation. 6 Characterization. 7 You can answer. 8 THE WITNESS: I mean, if you can't find 9 these accounts, you're not even trying. 10 BY MR. CARTMELL: 11 Q. How many kids under the age of 13 did 12 you -- did you find in your testing? 13 A. I didn't keep count. And, again, one of 14 the principles that always guided this work is if 15 there's one, there's a million. I mean, it's -- 16 when you're dealing with a billion people the math 17 gets really big, really fast. 18 Q. I don't totally understand where all those 19 kids were and why they were singing that song. What 20 was that? Is that an Instagram-provided song or 21 what are they doing? 22 MS. JONES: Objection to the form. And 23 foundation. Lacks foundation. 24 THE WITNESS: So one of the things that I 25 was testing Instagram for different features, the</p>

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<p style="text-align: right;">Page 202</p> <p>1 first thing I tested was a feature where you go in 2 and you can add a little audio to your -- to the 3 video that you're making that you're sharing. 4 And I was able as a 13-year-old account to 5 create a video where the audio was called sexy girl 6 masturbating done by a porn star. And then when you 7 see a video with a song you can click on that and 8 say, oh, let me use that song for my video. And so 9 what you see is a feature provided by Instagram 10 where kids see other kids talking about their age 11 and they copy what they are doing and they copy the 12 song. And Instagram makes it very easy to do that 13 so that you can create your own video. 14 BY MR. CARTMELL: 15 Q. Does that video and the fact that you 16 found that many underage kids in a small, short 17 amount of time support your opinion that Meta does 18 not do an adequate job of age verification and 19 ensuring that kids under the age of 13 are on 20 Instagram? 21 A. Yes. 22 Q. Let me restate that. 23 Does that video support your opinions that 24 Meta does not do an adequate job of age 25 verification?</p>	<p style="text-align: right;">Page 204</p> <p>1 It states, "Meta Only Enforces and 2 Discloses Violations of Narrowly Defined Community 3 Standards Rather than Preventing and Disclosing 4 Actual Harmful Experiences." 5 Did I read that correctly? 6 A. Yes. 7 Q. What do you mean by that? 8 A. So during that time, from 2019 to 2021, 9 there was a lot of emphasis put on what Meta calls 10 its Transparency Center where they listed out 11 different harms, the kind we have been talking about 12 today. 13 But if you talked about, for example, some 14 nudity and sexual content, the number that was 15 quoted is something called prevalence. And the 16 prevalence of nudity was a fraction of a percent. 17 While internal surveys, like the negative 18 experiences survey, was saying one in five people 19 experienced it in the last seven days. 20 And so I believe that this Transparency 21 Center was deeply misleading as to what is the 22 likelihood that your kid is going to experience a 23 certain harm. But the numbers -- I mean, I think to 24 me the best example of this is on, like, 25 self-suicidal ideation content, SSI.</p>
<p style="text-align: right;">Page 203</p> <p>1 A. Yes. 2 Q. Can the fact that underage kids like that, 3 under the age of 13, are on the platform, can that 4 have an impact on safety? 5 MS. JONES: Objection to the form. 6 THE WITNESS: Absolutely. Because if you 7 think about every harm that we've talked about, 8 unwanted sexual advances, exposure to content that 9 is distressing or harmful, all these things, and 10 then you give those to, like, a 7- or 8-year old, I 11 mean, it's -- I can't imagine what it does to them. 12 And so I think that it's incredibly important at a 13 minimum to ensure that the kids are on the platform 14 are at least 13 years of age. 15 MR. CARTMELL: Okay. Let's go back to 16 Exhibit 10, please. Sorry. Okay. Let's go back 17 to -- you guys, do you mind if I -- I'm going to run 18 outside and clear my throat. 19 MS. JONES: Sure. 20 MR. CARTMELL: Sorry. 21 (Whereupon, a brief discussion off the 22 record.) 23 BY MR. CARTMELL: 24 Q. Okay. Mr. Bejar, let's go to number five 25 on your list of factors.</p>	<p style="text-align: right;">Page 205</p> <p>1 Q. Let's go to -- actually you're looking at 2 the next survey. 3 A. Yeah. 4 Q. Exhibit 9. Let's look at Perceived Reach. 5 A. Yeah. So here it is -- for SSI is 6 12 percent. 7 MR. CARTMELL: Let's highlight that, Jim. 8 Thank you. 9 THE WITNESS: And if you look at the 10 Transparency Center around these dates around the 11 topic of suicide and self-harm, what it says is the 12 number is so small we don't even put it up here. 13 And so as a parent, as a professional, as 14 a person, I'm not sure how they can say that the 15 number of suicidal -- SSI content on the platform is 16 so small they can't report it when 12 percent of 17 people are telling you -- of the people who 18 responded to the survey, are telling you that they 19 saw it in the last seven days. 20 BY MR. CARTMELL: 21 Q. Okay. So is that published on their 22 website in the Transparency Center? 23 A. That is correct. 24 Q. Okay. And do they publish, for example, 25 this information from the next survey on their</p>

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<p style="text-align: right;">Page 206</p> <p>1 Transparency Center website?</p> <p>2 A. No.</p> <p>3 Q. Why is that?</p> <p>4 MS. JONES: Objection. Foundation.</p> <p>5 THE WITNESS: I don't talk about people's</p> <p>6 motivations because I don't know why they make the</p> <p>7 choices that they make. But what is out there is</p> <p>8 profoundly misleading. And as a parent, this is a</p> <p>9 number that I would want to know so that I can take</p> <p>10 appropriate measures and have the right</p> <p>11 conversations with my kid.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. The prevalence of data that you mentioned,</p> <p>14 is that a part of the community standards</p> <p>15 enforcement report?</p> <p>16 A. Correct.</p> <p>17 Q. And you mentioned I think that there are</p> <p>18 community standards or community guidelines that</p> <p>19 apply to Instagram; is that right?</p> <p>20 A. Correct.</p> <p>21 Q. Just in general, what are those standards</p> <p>22 or guidelines for Instagram?</p> <p>23 A. So you start with like a high-level issue</p> <p>24 like nudity or sexual content and then from there</p> <p>25 you have to define what you mean by that, right.</p>	<p style="text-align: right;">Page 208</p> <p>1 So let me hand you what's been marked as</p> <p>2 Exhibit 14.</p> <p>3 (Whereupon, Meta-Bejar Exhibit 14 was</p> <p>4 marked for identification.)</p> <p>5 (Whereupon, a brief discussion off the</p> <p>6 record.)</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. Mr. Bejar, I have handed you Exhibit 14,</p> <p>9 which comes from Instagram's website. And I will</p> <p>10 represent to you that it's still up today. This is</p> <p>11 called "Instagram Community Guidelines FAQs."</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. The date is April 19th, 2018. But, again,</p> <p>15 it is still up on the website today. But can you</p> <p>16 tell us what this is?</p> <p>17 A. Yes. So this communicates to people what</p> <p>18 are the community guidelines for being on Instagram.</p> <p>19 And so it covers -- this is on page 2 -- a series of</p> <p>20 topics like intellectual property. Appropriate</p> <p>21 imagery, so that would include nudity, the kinds of</p> <p>22 things we were talking. Spam, so commercial content</p> <p>23 that's not allowed. Illegal content, so terrorism,</p> <p>24 drugs, offering sexual services. Hate speech,</p> <p>25 bullying and abuse.</p>
<p style="text-align: right;">Page 207</p> <p>1 And so do you see a bit, right, sort of private</p> <p>2 parts, and that would be criteria under which you</p> <p>3 would act on those standards.</p> <p>4 Q. Okay.</p> <p>5 A. And so you have a high-level statement,</p> <p>6 then you have the policy that is published as the</p> <p>7 one that is for that topic, and then you have like</p> <p>8 an internal playbook that says when we look at this</p> <p>9 piece of content if it meets the following three</p> <p>10 criteria we will remove it because it violated this</p> <p>11 community standard.</p> <p>12 Q. Were you actually involved in putting</p> <p>13 together those guidelines of how to define what is</p> <p>14 in violation of the community standards when you</p> <p>15 were at Facebook?</p> <p>16 A. I was part of that process. And so there</p> <p>17 was a team, the policy team, that was focusing on</p> <p>18 defining these. There was another team that</p> <p>19 reviewed all of the reports. And there was my team</p> <p>20 that let people tell us when a violation was</p> <p>21 happening. And we would work together. The</p> <p>22 definition was responsibility of the policy team.</p> <p>23 Q. All right. I want to make sure that the</p> <p>24 jury understands what Instagram's community</p> <p>25 guidelines or standards are.</p>	<p style="text-align: right;">Page 209</p> <p>1 Q. Let's go through this, if we can.</p> <p>2 It states, "What are community guidelines</p> <p>3 and how do they differ from Terms of Use?" On the</p> <p>4 first page.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. "We want Instagram to continue to be a</p> <p>8 safe place for inspiration and expression. Our</p> <p>9 Community Guidelines set out our policies for what</p> <p>10 we do and don't allow on Instagram in order to</p> <p>11 achieve this."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. So are community guidelines on Instagram</p> <p>15 guidelines that set forth what Instagram does and</p> <p>16 does not allow on the website -- or -- excuse me --</p> <p>17 on the app?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And as you said, there are</p> <p>20 different topics that it covers. If we go down.</p> <p>21 "What do our community guidelines cover?</p> <p>22 Intellectual Property."</p> <p>23 But then the second bullet is,</p> <p>24 "Appropriate Imagery - We don't allow nudity on</p> <p>25 Instagram."</p>

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<p style="text-align: right;">Page 210</p> <p>1 Did I read that correctly?</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. CARTMELL:</p> <p>4 Q. So this is telling people on their website</p> <p>5 publicly that on Instagram they don't allow nudity;</p> <p>6 is that fair?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And then the second page, as you</p> <p>9 said, it does include spam. I want to go to the</p> <p>10 second bullet point.</p> <p>11 It says, "Illegal Content. Offering</p> <p>12 sexual services and selling firearms and drugs are</p> <p>13 also prohibited."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And then the next bullet is, "Hate Speech,</p> <p>17 Bullying and Abuse - We remove credible threats of</p> <p>18 violence, hate speech and the targeting of private</p> <p>19 individuals."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Those are things that this Instagram</p> <p>23 guideline is saying are not allowed on Instagram,</p> <p>24 correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 212</p> <p>1 and let's start with appropriate imagery that says:</p> <p>2 We don't allow nudity on Instagram.</p> <p>3 And then pull that out, Jim, and then pull</p> <p>4 out nudity on the right.</p> <p>5 So is it true, Mr. Bejar, that Meta's</p> <p>6 internal 30,000-person survey in 2019 on Instagram</p> <p>7 was reporting that 23 percent of the individuals who</p> <p>8 were asked about seeing nudity or sexual content --</p> <p>9 strike that.</p> <p>10 Is it true, Mr. Bejar, that Meta's</p> <p>11 internal 30,000-person survey, the NES survey,</p> <p>12 states that 23 percent of those asked said they had</p> <p>13 seen nudity or sexual content that they felt did not</p> <p>14 belong on Instagram within the last seven days?</p> <p>15 A. Correct.</p> <p>16 Q. How is it that that happens when Meta's</p> <p>17 guidelines, community guidelines, says that nudity</p> <p>18 is not allowed on Instagram?</p> <p>19 A. Because they do allow sexual content on</p> <p>20 Instagram.</p> <p>21 Q. Does sexual content violate Instagram's</p> <p>22 community standards?</p> <p>23 A. I believe so.</p> <p>24 Q. But then why is it allowed on Instagram --</p> <p>25 strike that.</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. "Self-Injury - We do not allow</p> <p>2 glorification or encouragement of self-injury,</p> <p>3 including eating disorders."</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. So if somebody was going to read this,</p> <p>7 parent of a kid was going to come read the</p> <p>8 guidelines, they would be told by this that</p> <p>9 self-injury, as well as eating disorder content, is</p> <p>10 not allowed on Instagram, fair?</p> <p>11 A. Yes.</p> <p>12 Q. And then graphic violence as well.</p> <p>13 Graphic violence is not allowed.</p> <p>14 A. Correct.</p> <p>15 Q. So let's, if we can, put up Exhibit 9,</p> <p>16 Perceived Reach, next to these Community Guidelines.</p> <p>17 I want to ask you something.</p> <p>18 The slide on the right is the perceived</p> <p>19 reach from the NES survey.</p> <p>20 Is that your recollection?</p> <p>21 A. Yes.</p> <p>22 Q. And that's a 30,000-person survey that</p> <p>23 asked people if they had had negative experiences?</p> <p>24 A. Yes.</p> <p>25 Q. On the left are the community guidelines,</p>	<p style="text-align: right;">Page 213</p> <p>1 But yet it ends up being on Instagram; is</p> <p>2 that right?</p> <p>3 A. Correct.</p> <p>4 MS. JONES: Objection to form and</p> <p>5 foundation.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Do you know why that is?</p> <p>8 MS. JONES: Same objection.</p> <p>9 THE WITNESS: Because there is not enough</p> <p>10 efforts to understand what is in this 23 percent.</p> <p>11 And all of these people that are telling you that</p> <p>12 they are seeing nudity or sexual content on</p> <p>13 Instagram, you have to understand what is happening</p> <p>14 here in order for you to then effectively reduce the</p> <p>15 experience of people of that on the platform.</p> <p>16 In my own testing one of the things that I</p> <p>17 found was both sexual content as well as nudity.</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. Let's pull out, Jim, self-injury and --</p> <p>20 suicide and self-injury, please.</p> <p>21 And Instagram's NES survey states that</p> <p>22 12 percent of those people asked had seen someone on</p> <p>23 Instagram who they were worried about might hurt</p> <p>24 themselves or commit suicide.</p> <p>25 Do you see that?</p>

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<p style="text-align: right;">Page 214</p> <p>1 A. Yes.</p> <p>2 Q. And the guidelines from -- the community</p> <p>3 guidelines on the website say that self-injury is</p> <p>4 not allowed, correct?</p> <p>5 MS. JONES: Objection to the</p> <p>6 characterization.</p> <p>7 THE WITNESS: Correct.</p> <p>8 BY MR. CARTMELL:</p> <p>9 Q. Let's pull out bullying, please, Jim.</p> <p>10 Instagram's internal survey with respect</p> <p>11 to bullying says 8 percent of those asked had been</p> <p>12 bullied or harassed on Instagram within the last</p> <p>13 seven days; is that right?</p> <p>14 A. Correct.</p> <p>15 Q. The community standards say that we remove</p> <p>16 credible threats of violence, hate speech and the</p> <p>17 targeting of private individuals, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Do you have an opinion regarding whether</p> <p>20 or not the Instagram community standards or</p> <p>21 guidelines are narrow in their definitions of what</p> <p>22 is violative?</p> <p>23 MS. JONES: Objection to the form.</p> <p>24 THE WITNESS: So I think what happens with</p> <p>25 these things is you have like a top-level statement,</p>	<p style="text-align: right;">Page 216</p> <p>1 narrow.</p> <p>2 MS. JONES: Objection. Let me just object</p> <p>3 to the nonresponsive narrative portion of that</p> <p>4 answer.</p> <p>5 Go ahead.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. So this demonstration we are looking at</p> <p>8 where the community guidelines are saying</p> <p>9 that information or material is not allowed on</p> <p>10 Instagram, yet Meta's internal survey is showing</p> <p>11 that people are actually experiencing it, what does</p> <p>12 that tell you about whether Meta's enforcement of</p> <p>13 the community guidelines and standards on Instagram</p> <p>14 is protecting teens or users?</p> <p>15 MS. JONES: Objection to the form and</p> <p>16 foundation -- lack of foundation.</p> <p>17 THE WITNESS: It tells me that the</p> <p>18 enforcement of community standards is not</p> <p>19 effectively protecting the people from the harm they</p> <p>20 are experiencing.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. In your testing, do you have actually</p> <p>23 examples of -- strike that.</p> <p>24 In your testing that you did, did you look</p> <p>25 for examples of the type of content that is allowed</p>
<p style="text-align: right;">Page 215</p> <p>1 like we remove credible threats of violence, hate</p> <p>2 speech and the targeting of private individuals, to</p> <p>3 very explicitly say we do not allow attacks. That's</p> <p>4 a really important sentence. And you read that and</p> <p>5 think they don't allow attacks.</p> <p>6 Now, when you go down to somebody</p> <p>7 reporting something for bullying or harassment,</p> <p>8 which I have also recently tested and have many</p> <p>9 years of experience with, like more often than not,</p> <p>10 like most of the time, it doesn't get removed and</p> <p>11 they did allow it. And what you have here through</p> <p>12 these numbers is that approximately one in three</p> <p>13 people saw it happening, which has a terrible</p> <p>14 normalizing effect, because you think it's okay to</p> <p>15 do threats and attack and hate speech and that,</p> <p>16 like, around one in ten are experiencing it</p> <p>17 firsthand all in the last seven days.</p> <p>18 So these numbers tell you they don't</p> <p>19 remove the credible issues in a timely fashion and</p> <p>20 they -- so let me restate.</p> <p>21 They don't remove threats or violence or</p> <p>22 hate speech in a timely fashion. And they do allow</p> <p>23 attacks. And part of that is because of the way</p> <p>24 that these things are implemented, where what it</p> <p>25 takes to get a piece of content removed is very</p>	<p style="text-align: right;">Page 217</p> <p>1 on Instagram and is not precluded, but yet is</p> <p>2 harmful?</p> <p>3 A. Yes, I did.</p> <p>4 Q. Let's look at clip 51.</p> <p>5 MS. JONES: Do you have a slipsheet for</p> <p>6 this one?</p> <p>7 MR. CARTMELL: Yes. I'm going to hand you</p> <p>8 Exhibit 15.</p> <p>9 (Whereupon, Meta-Bejar Exhibit 15 was</p> <p>10 marked for identification.)</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. Exhibit 15 is a slipsheet for the video</p> <p>13 that we're about to play, Bejar 002322.</p> <p>14 And this is a video, I will represent to</p> <p>15 you, that I believe your representation was that it</p> <p>16 had sexual content; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. I personally wanted to warn everybody in</p> <p>19 the room about this.</p> <p>20 Do you want to say anything about that?</p> <p>21 A. Yeah. I mean, if you are sensitive to</p> <p>22 this kind of thing, it's -- you will see.</p> <p>23 One of the things I found very surprising</p> <p>24 when I was doing the testing in between 2023 and the</p> <p>25 start of 2024, is that I was able to take a</p>

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<p style="text-align: right;">Page 218</p> <p>1 brand-new account, and I recorded from the moment of 2 account creation going straight into Reels to the 3 point where I was getting back-to-back sexual Reels 4 recommended to that account. That took on average 8 5 to 12 minutes. 6 And I was profoundly distressed at the 7 kind of content that the Instagram Reels algorithm 8 was recommending to a test account for a 13-year-old 9 girl or a 14-year-old boy. 10 Q. Okay. Can you just put it up, Jim, please 11 and not start it. 12 Do you know, Mr. Bejar, when it was that 13 this video was done from your test account? Can you 14 tell? 15 A. It's on that list of -- where it has the 16 dates of recordings. So I think -- I wanted to make 17 sure that I preserve the dates of the video that was 18 recorded, and it was in that list. 19 Q. That's Exhibit 12; is that right? 20 A. Yeah. 21 MR. CARTMELL: Okay. And why don't we go 22 ahead and play the video, and then I'm going to have 23 some follow-up questions for you. 24 (Video playing.) 25 ///</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. Was that account set up before that? And 2 if so, do you know how long before that? 3 A. Yes. I mean, I think that the record for 4 account creations for these accounts is in this 5 document and then it can connect videos to accounts 6 very easily so that it can -- I was pretty 7 disciplined about keeping track and having control 8 of the different experiments I was doing in order to 9 be able to make accurate claims as to what the 10 videos were representing. 11 Q. So does this demonstration that you showed 12 demonstrate what was available to kids, 13-year-old, 13 on Instagram even as late as last year? 14 MS. JONES: Objection to the form and 15 foundation. 16 THE WITNESS: Correct. And I want to 17 be -- this is an important distinction there, which 18 is there is a difference between available and 19 recommended. So available, you go in and you can 20 search and you see the videos in context. This was 21 content that was recommended by Instagram. And so 22 it's in the Reels algorithm. It's Instagram that 23 picks the videos that you get to see. And that was 24 the nature of these tests of the content that Reels 25 was delivering to a teen account. It was all</p>
<p style="text-align: right;">Page 219</p> <p>1 BY MR. CARTMELL: 2 Q. So -- 3 MS. JONES: Let me just object for the 4 record to the use of this out-of-context video. 5 Go ahead. 6 MR. CARTMELL: Pardon me? 7 MS. JONES: I'm objecting for the record 8 to the use of the video. It's out of context and 9 not the result of an actual expert process. 10 Go ahead. 11 BY MR. CARTMELL: 12 Q. Mr. Bejar, that video that we just saw, is 13 that a recording that you made of one of the teen 14 accounts that you set up? 15 A. Correct. 16 Q. Okay. And how old was the teen account 17 that you set up? 18 A. 13. 19 Q. What did you do to that account so that 20 content like that would be provided, if anything? 21 A. Went into Reels, swiped quickly. You can 22 see me doing it in the videos. If the video doesn't 23 match the criteria, I just swipe through quickly and 24 then watch the videos that met a certain criteria to 25 completion.</p>	<p style="text-align: right;">Page 221</p> <p>1 defaults on. 2 BY MR. CARTMELL: 3 Q. Okay. Have you ever seen anything that 4 Meta has published to parents or users or anybody in 5 the public domain that there is a risk that their 6 kids will see this type of material on Instagram? 7 A. I have not seen anything from Meta that 8 would let people know that their kids might be 9 getting recommended this kind of content. And I 10 believe that that kind of content is what comes up 11 when you ask people have you seen unwanted sexual 12 content on Instagram, or as you see in any -- the 13 kind of content that is sexual that kids do not want 14 to see, did not ask for, did not search for, it gets 15 recommended to them. 16 Q. So the teen account you set up, so it's 17 clear, did not search for any of that material; it 18 was recommended to them. Correct? 19 A. Correct. The only manipulation was 20 watching a video, which could have been watched out 21 of interest or could have been watched out of 22 disgust. 23 Q. And kids watch racy videos, right? 24 A. Yes. I think that for sexual content, for 25 violent content, for self-harm content, for eating</p>

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<p style="text-align: right;">Page 222</p> <p>1 disorder content, the first time you watch it, it 2 might be just out of shock or racy, like it's -- 3 it's like -- it's human. You see something like 4 this and you are like what is going on. It's the 5 fire hose of that that is, I think, very dangerous. 6 Q. Do you know, does any of that material we 7 just saw violate community standards for Instagram? 8 A. Based on my understanding of how they are 9 implemented, only the video where the woman flashes 10 herself and you can see her private parts for a 11 couple of frames, it does. 12 Q. But the masturbation and all of the other 13 sexual nature in there is not violating Instagram's 14 community standards to the best of your knowledge? 15 A. To the best of my knowledge. And this is 16 an issue that was known for as long as I have been 17 working in this space, which is when you draw a line 18 saying this is what content is going to get deleted, 19 people will immediately test that line and figure 20 out what is the content that is just above the line 21 that wouldn't get deleted if reported. And the 22 fundamental problem here is the recommendation of 23 that content to teens. And then younger people than 24 that. 25 I believe that in general, Feed and</p>	<p style="text-align: right;">Page 224</p> <p>1 THE VIDEOGRAPHER: Time is 3:15. We're 2 off the record. 3 (Whereupon, a brief recess was taken.) 4 THE VIDEOGRAPHER: Time is 3:36. We're 5 back on the record. 6 BY MR. CARTMELL: 7 Q. Mr. Bejar, we're back on the record after 8 a short break. 9 Are you ready to proceed? 10 A. Yes, I am. 11 Q. We looked at Exhibit 15, which is a video 12 from one of your test accounts that included sexual 13 content, correct? 14 A. Correct. 15 Q. And I want to actually ask you about one 16 portion of that video. We're not going to play the 17 whole video again, but why don't we go ahead and 18 look at this because I think you took some action 19 during the video to demonstrate a feature. So I'll 20 ask you questions on the other side of this. 21 (Video playing.) 22 BY MR. CARTMELL: 23 Q. So what were you demonstrating there in 24 the video as you scrolled through the blue Follow 25 buttons?</p>
<p style="text-align: right;">Page 223</p> <p>1 Discovery surfaces ought to be kind of PG for a 2 13-year-old. And that's kind of the content that is 3 being curated by Instagram's algorithms and then 4 delivered to the kids' phones. 5 Q. To the best of your knowledge, could that 6 type of content we just saw be recommended to, for 7 example, the 7 and 8 and 9 and 10-year-olds that we 8 saw that were on Instagram? 9 A. Yes. 10 Q. Do you believe that that type of content 11 that we just saw in your recorded testing -- strike 12 that. 13 Do you believe that the content or the -- 14 what we just saw -- I'm sorry. Let me start over. 15 Do you believe, Mr. Bejar, that the sexual 16 content that we just saw could be harmful to kids? 17 A. Yes. 18 Q. While you were at Instagram from 2019 to 19 2021, was Instagram doing anything to prevent the 20 harms from that type of content? 21 A. No. 22 Q. How long have we been going? 23 THE VIDEOGRAPHER: Hour and 18. 24 MR. CARTMELL: Can we take a break? 25 MR. WARD: Sure.</p>	<p style="text-align: right;">Page 225</p> <p>1 A. It was a girl that appeared to be under 2 13, dancing, exposing her belly, with 29,000 3 followers. And then you click through the followers 4 and scroll down, and you see that the vast majority 5 are men. And if you click through those, which I 6 have tested in other circumstances, you find these 7 men also follow other young girls who post similar 8 videos. And I think that's an example of how the 9 application design and the way it distributes 10 content encourages that girl to create racy content 11 so that she now has 30,000 followers. 12 I also think that is one of the key 13 features of that stream of videos, because they are 14 like showing to a girl who is watching, if you look 15 at the videos, and you look at the amount of likes 16 they have or amount of comments they have, you kind 17 of realize, oh, if I make racy content or if I make 18 sexual content, I'm going to get more distribution. 19 And so -- and the last thing I wanted to 20 say about the video is that -- so I saw the account. 21 It was [REDACTED], which is one of the ones that had 22 no searches. Even if there had been searches done, 23 I don't believe that, like, an account that -- that 24 is testing the experience of a 13-year-old should 25 ever be able to be manipulated to deliver that kind</p>

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<p style="text-align: right;">Page 226</p> <p>1 of stream of content. 2 Like, for a safety feature to be called a 3 safety feature, it has to be resilient. And so at 4 that time, it shouldn't be able to get that list of 5 recommendations no matter what you did if the way 6 you are accessing them is an account of a 7 13-year-old. 8 MS. JONES: Let me just object to the 9 nonresponsiveness. 10 Go ahead. 11 BY MR. CARTMELL: 12 Q. You mentioned that you are aware of which 13 test account that was. 14 And did you say that on that test account 15 for the video we showed there were no searches? 16 A. Correct. 17 Q. So does that mean that you were only 18 scrolling through Reels in that account? 19 A. That is correct. Only scrolling through 20 Reels, only looking at public content. 21 Q. Okay. And the example of the young girl 22 who was dancing and the Follows, is that a safety 23 issue? 24 MS. JONES: Objection to the form. 25 THE WITNESS: Absolutely.</p>	<p style="text-align: right;">Page 228</p> <p>1 THE WITNESS: Yes. 2 BY MR. CARTMELL: 3 Q. And based on your experience there as the 4 safety expert for Meta that was supporting the 5 well-being team, do you believe that Instagram was 6 taking appropriate preventive actions to prevent 7 that sort of thing? 8 MS. JONES: Same objections. Foundation. 9 THE WITNESS: They were not. 10 BY MR. CARTMELL: 11 Q. And based on your experience for 30 years 12 and meeting with parents and meeting with kids and 13 doing surveys, do you believe that parents know when 14 their kids have Instagram accounts that they are 15 going to be recommended that type of content? 16 A. Parents do not know that their kids are 17 going to be recommended that kind of content. 18 Q. I mean, is it a parent's fault? In other 19 words, should parents know that without Meta telling 20 them that? 21 MS. JONES: Objection. Foundation and 22 form. 23 THE WITNESS: Parents should absolutely 24 know, right. I mean, when I looked at these 25 community standards and other documentation that</p>
<p style="text-align: right;">Page 227</p> <p>1 BY MR. CARTMELL: 2 Q. Explain that to the jury, please. 3 A. If you create an environment where if you 4 are a pedophile looking for young girls dancing in 5 revealing ways, right, and you reward that by making 6 it easy to find that content and recommending it, 7 and you create an environment that takes young 8 girls, including girls under 13, and you reward them 9 for creating that kind of content, you are creating 10 an environment that facilitates grooming, sexual 11 endangerment, child pornography, account selling 12 child pornography, which I found in the course of my 13 testing, and -- I didn't find they were selling 14 child pornography. What I found is were accounts of 15 kids that appeared to be under 13, like 7, 8, 9, 16 with a Cash App link on their profile. Or they 17 would use the words "selling." 18 And so that's an environment, right, in 19 which the worst kind of person on the internet are 20 rewarded by the way the application is designed. 21 Q. While you were at Instagram in 2019 22 through 2021, was Meta aware that there was a 23 problem or issues with inappropriate interactions 24 between adults and kids? 25 MS. JONES: Objection. Foundation.</p>	<p style="text-align: right;">Page 229</p> <p>1 Instagram produces, to me it says this is an 2 environment where your kid is not going to get 3 unwanted sexual content. Your kid is not going to 4 experience inappropriate contact. Your kid is not 5 going to be exposed to graphically violent content 6 or self-harm content. 7 And I have spoken to the parents of many 8 kids who, again, have lived harm experience. And 9 one thing that was in common is they all told me I 10 wasn't worrying about what my kid was getting 11 recommended because they thought that part was going 12 to be safe. They were worried about who their kid 13 was talking to and what their kid was posting. 14 So I believe it's absolutely critical for 15 parents to know the substance of what Meta is 16 recommending. And something like the survey, the 17 Negative Experiences Survey, gives you a good 18 indicator of what that is and areas that need to be 19 worked on. 20 BY MR. CARTMELL: 21 Q. Okay. I want to make sure you understand 22 my question, because we may not have been 23 communicating. But I asked you if, in fact, it's 24 the parents' fault for not knowing that their kids 25 are going to be exposed to the unwanted sexual</p>

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<p style="text-align: right;">Page 230</p> <p>1 advances and the, you know, suicide and self-injury 2 type of content and the bullying and the violence 3 and all of those things. 4 Do you have an opinion regarding whether 5 or not it's the parents' fault for not knowing that? 6 MS. JONES: Objection. Form. Foundation. 7 THE WITNESS: It is absolutely not the 8 parents' fault. 9 BY MR. CARTMELL: 10 Q. And even to this day, has Meta warned 11 parents and the public about the risk of harmful 12 experiences from this kind of content on Instagram? 13 A. It has not. 14 Q. You mentioned that, in fact, Meta actually 15 puts on their transparency website the fact that 16 there is less than 1 percent of that kind of content 17 on Instagram; is that right? 18 MS. JONES: Objection. Hold on. 19 Objection. Form. Foundation. Characterization. 20 Go ahead. 21 THE WITNESS: That's correct. 22 BY MR. CARTMELL: 23 Q. Does Meta actually put on their website, 24 on their Transparency Center, the fact that that 25 type of content -- sexual content, suicide and</p>	<p style="text-align: right;">Page 232</p> <p>1 talking specifically about how Meta only enforces 2 and discloses violations of the community standards, 3 correct? 4 A. Of narrowly defined community standards. 5 Q. Okay. And let's, Jim, put up the 6 Perceived Reach from Exhibit 9 slide. 7 Did Meta, during the time that you were 8 working there as their safety expert from 2019 to 9 2021, actually do anything as far as safety 10 prevention for kids related to all of these negative 11 experiences? 12 MS. JONES: Objection. Foundation and 13 form. 14 Go ahead. 15 THE WITNESS: They did not. 16 BY MR. CARTMELL: 17 Q. Mr. Bejar, did you actually in one of your 18 tests set up a new account for a kid and do nothing 19 else other than watch what happened as far as the 20 content and scroll through the content over time? 21 A. Correct. 22 Q. How long did you scroll through that 23 content for? 24 A. Do you mean like initially? 25 Q. Yes.</p>
<p style="text-align: right;">Page 231</p> <p>1 self-injury content, bullying and harassment 2 content, hate speech content, violence, those sorts 3 of things, does Meta actually advertise to the 4 public on their transparency website that there is 5 very little of that, less than 1 percent of that, on 6 Instagram? 7 MS. JONES: Objection to the form and 8 foundation. Characterization. 9 Go ahead. 10 THE WITNESS: What Meta has in its 11 Transparency Center, it says a fraction of a 12 percent, like point zero-something or other. Like, 13 it's tiny, tiny numbers. And for something like 14 eating disorder content, you would look at that and 15 believe there is no way they are going to be 16 recommending that to my kid. They seem to be really 17 on top of it. And that is not the case in my 18 experience or my testing. 19 BY MR. CARTMELL: 20 Q. Okay. Let's go back, Jim, if you would, 21 to Exhibit 9. I'm sorry. Exhibit 10. 22 Mr. Bejar, we're looking again at 23 Exhibit 10. And you were talking about number 5, 24 the factors that you mentioned that cause Meta's 25 Instagram app to be unsafe for kids. And we were</p>	<p style="text-align: right;">Page 233</p> <p>1 A. I think in order to get recommended sexual 2 content or graphically violent content, the test, on 3 average, were around 8 to, like, 18 minutes. 4 MR. CARTMELL: I'm going to hand you 5 Exhibit 16, which is a slipsheet for a video. 6 (Whereupon, Meta-Bejar Exhibit 16 was 7 marked for identification.) 8 BY MR. CARTMELL: 9 Q. And we're going to go ahead and play that 10 for a period of time, and then I'll ask you some 11 questions. 12 (Video playing.) 13 BY MR. CARTMELL: 14 Q. Is this one of your test videos, first? 15 A. Yes, it is. 16 Q. Okay. 17 (Video playing.) 18 MS. JONES: Same objection I made earlier 19 today to the video. 20 Go ahead. 21 BY MR. CARTMELL: 22 Q. Mr. Bejar, is this video the first six 23 minutes of a 13-year-old's experience on Instagram? 24 A. Yes, it is. 25 Q. In other words, did you set up a</p>

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<p style="text-align: right;">Page 234</p> <p>1 13-year-old account, and this is showing what the 2 first minutes of the content were that were 3 recommended to a 13-year-old? 4 A. That is correct. 5 Q. Let's continue. 6 (Video playing.) 7 MS. JONES: Before you ask your question, 8 let me note my objection to the playing of the 9 video. 10 Go ahead. 11 BY MR. CARTMELL: 12 Q. Mr. Bejar, that video that we just saw, I 13 think you said was set up. It was a 13-year-old 14 girl's account. And there was actually no searching 15 on that account. 16 Correct? 17 A. Correct. 18 Q. Was there anything else done to manipulate 19 that account other than setting it up and watching 20 what the material was that was recommended to that 21 13-year-old? 22 A. There was not. You see from the moment of 23 account creation, going straight into Reels, and 24 every action that I took in Reels during that 25 testing.</p>	<p style="text-align: right;">Page 236</p> <p>1 are Bad Experiences and why we should care." 2 Do you see that? 3 A. I do. 4 Q. Tell us just in general what this 5 presentation was about. 6 A. So I had been focusing my time on how do 7 you understand sort of these harmful experiences 8 that people are having. And so we call those bad 9 experiences. We wanted to have a name that we could 10 use to refer to this kind of work. And what we were 11 trying to do is we were trying to illustrate what 12 are the gaps in understanding of the issues for the 13 company, what are some examples of these bad 14 experiences in order to get funding and support to 15 do more work on this area. 16 Q. I want to ask you some questions about the 17 slide on .21. It's hard to see. 18 A. Yeah. 19 Q. Okay. Now, what is this demonstration 20 slide? 21 A. So we had found through the research that 22 the Instagram Well-Being team had done that out of 23 10,000 people that have a bad experience, a hundred 24 of them end up submitting a report and two of them 25 get help because the report gets acted on.</p>
<p style="text-align: right;">Page 235</p> <p>1 Q. What happened to the nature of that 2 account over time as that six minutes went on? 3 A. It started getting recommended more and 4 more sexual content that -- I'm sorry. And when you 5 look at the content, the amount of likes, right, on 6 the content, and the nature of it using songs for 7 children's movies paired with masturbation or other 8 things, I think is pretty inappropriate for what is 9 a brand-new account of a 13-year-old, a test 10 account. 11 Q. Based on your experience as an expert in 12 this industry for 30 years, do parents know that 13 their 13-year-old may be seeing that type of 14 material or posts? 15 MS. JONES: Objection. Foundation. 16 THE WITNESS: In my experience, parents do 17 not know that is the kind of content that might be 18 recommended to their kids. 19 MR. CARTMELL: Let's look at Exhibit 17. 20 (Whereupon, Meta-Bejar Exhibit 17 was 21 marked for identification.) 22 BY MR. CARTMELL: 23 Q. Mr. Bejar, this is a PowerPoint 24 presentation that was produced in this case by Meta, 25 and it's titled "Instagram Bad Experiences. What</p>	<p style="text-align: right;">Page 237</p> <p>1 So the graphic on the right is intended to 2 illustrate 10,000 people. The yellow dots that are 3 at the bottom are the hundred people that submitted 4 a report. And the two green dots are the ones that 5 got help from the enforcement of the narrowly 6 defined community standards. 7 Q. Is this actually a demonstration of what 8 you were talking about in your fifth factor? Is 9 this a demonstration of that? 10 A. Yes. The -- this talks about measuring 11 and understanding the harmful experiences that 12 people have on the platform. And the work that you 13 have to do is you have to look at every single gray 14 dot on that page and understand what happened there 15 in order to be able to -- as we talked about, this 16 framework of understanding what happened, preventing 17 that affecting -- from other people, and then 18 measuring the work. 19 And at Facebook measurement drives 20 everything. So we wanted to be really good about 21 understanding, if you have a harmful experience, 22 what do you do, and then if you get help from the 23 current approach. 24 And the two green dots on that page are 25 the people who got help from the current approach,</p>

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<p style="text-align: right;">Page 238</p> <p>1 and the 9,998 other people in that page did not.</p> <p>2 Q. Was Meta even looking at trying to</p> <p>3 understand the other 9,998 bad experiences?</p> <p>4 A. It was not.</p> <p>5 MS. JONES: Hold on.</p> <p>6 THE WITNESS: Sorry.</p> <p>7 MS. JONES: Objection. Foundation.</p> <p>8 Sorry. Go ahead.</p> <p>9 THE WITNESS: It was not.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. So it's clear, I want to be clear for the</p> <p>12 jury, there are dots that are gray.</p> <p>13 Actually, go back if you don't mind, Jim.</p> <p>14 These gray dots are supposed to</p> <p>15 represent -- or the total chart is supposed to</p> <p>16 represent 10,000 bad experiences; is that right?</p> <p>17 A. Correct.</p> <p>18 Q. And the yellow line at the very bottom is</p> <p>19 the number of people on Instagram out of those</p> <p>20 10,000 bad experiences that report?</p> <p>21 A. Yes. That used the reporting tool and got</p> <p>22 to the end and submitted report.</p> <p>23 Q. Is -- based on your experience, is that</p> <p>24 evidence of a flaw in the reporting tool on</p> <p>25 Instagram that Meta had?</p>	<p style="text-align: right;">Page 240</p> <p>1 that they should try to understand and look at the</p> <p>2 9,998 reports -- excuse me. I'll state it again.</p> <p>3 Did you try to convince Meta's leadership</p> <p>4 that they should have a safety system in place that</p> <p>5 would look at the 9,998 bad experiences that they</p> <p>6 weren't looking at?</p> <p>7 MS. JONES: Objection to the form.</p> <p>8 Characterization.</p> <p>9 THE WITNESS: Yes, I did.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. Were you successful in that regard?</p> <p>12 A. Not as far as I can tell.</p> <p>13 Q. So I want to sort of recap and change</p> <p>14 gears a little bit.</p> <p>15 We talked about how you discovered the</p> <p>16 harms that were occurring on Instagram by</p> <p>17 discovering the NES survey, internal survey of</p> <p>18 30,000 Instagram users, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And then you did an assessment, I think</p> <p>21 you testified, of the safety systems and framework</p> <p>22 that was in place at Instagram; is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. After discovering the harms and</p> <p>25 discovering that the system, in your words, was</p>
<p style="text-align: right;">Page 239</p> <p>1 A. Yes, it is.</p> <p>2 Q. These two green dots on the right, those</p> <p>3 are, out of all of the hundred reports, the only</p> <p>4 reports that Meta took action on?</p> <p>5 A. That is correct.</p> <p>6 Q. Does that reflect a problem in the system?</p> <p>7 A. Correct. Just that line shows a pretty</p> <p>8 profound problem. That line, in the context of</p> <p>9 every other bad experience, represents what I think</p> <p>10 of as a material problem or a critical problem.</p> <p>11 Q. The harms to users on Instagram that we</p> <p>12 saw in the NES survey, like violence and suicide and</p> <p>13 self-injury and bullying and sexual content, are</p> <p>14 those types of experiences included in these 9,998</p> <p>15 dots here?</p> <p>16 MS. JONES: Objection to the form.</p> <p>17 Foundation.</p> <p>18 THE WITNESS: Yes. And eating disorders</p> <p>19 and self-harm content and graphically violent</p> <p>20 content, and people being targets of bullying,</p> <p>21 people watching it happening, all of these</p> <p>22 categories that had been researched about the harm</p> <p>23 that people were experiencing on Instagram.</p> <p>24 BY MR. CARTMELL:</p> <p>25 Q. Did you try to convince Meta's leadership</p>	<p style="text-align: right;">Page 241</p> <p>1 flawed, what did you set out to do?</p> <p>2 A. I set out to gather significant data that</p> <p>3 could be shared with the executive leadership like</p> <p>4 Mark Zuckerberg and Adam Mosseri. So in my 30 years</p> <p>5 of experience, one of the things I had to do was</p> <p>6 executive escalations when you became aware of a</p> <p>7 significant harm or issue or gap for the company.</p> <p>8 And so what I did is I started a process</p> <p>9 to get documentation that I felt was to the level to</p> <p>10 which we were bringing to Mark Zuckerberg as an</p> <p>11 example of gaps the company was having at the time.</p> <p>12 Q. Let's go back to Exhibit 8. Exhibit 8 is</p> <p>13 the conversion document that we talked about</p> <p>14 previously that has the job responsibilities for you</p> <p>15 when you returned to Meta, correct?</p> <p>16 A. Correct.</p> <p>17 MS. JONES: Hold on. I'm going to object</p> <p>18 to the characterization of that.</p> <p>19 But go ahead.</p> <p>20 MR. CARTMELL: Let me restate it.</p> <p>21 Q. Exhibit 8 is titled "Arturo Conversion."</p> <p>22 Do you recall that?</p> <p>23 A. Yes.</p> <p>24 Q. And what is this document? Refresh our</p> <p>25 memory.</p>

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<p style="text-align: right;">Page 242</p> <p>1 A. It described what I had been doing for 2 Instagram up to that point and what my job would 3 have been as a part-time employee had the conversion 4 gone through. 5 Q. Let's go to .2 under Responsibilities. 6 And I have a question for you. 7 The last bullet point under 8 Responsibilities, why don't you read that, please. 9 A. Represent Instagram's work in this area to 10 our management chains, including Instagram leads, 11 central integrity, central customer support and 12 related groups, up to and including Facebook 13 executive team members. 14 Q. So did your job working for Meta as a 15 safety expert from 2019 to 2020 and supporting the 16 Instagram Well-Being team include the responsibility 17 that if you had concerns or problems, you should 18 escalate that up to the executives? 19 A. Yes, I did. 20 Q. And, as you said, that was something that 21 you had done in the past when you were working for 22 Meta during your first stint; is that correct? 23 A. That's correct. 24 MR. CARTMELL: Okay. I want to hand you 25 Exhibit 18.</p>	<p style="text-align: right;">Page 244</p> <p>1 serious the safety problem was on Instagram for 2 kids? 3 A. Correct. You cannot walk in and be, like, 4 hey, this is broken. That's disrespectful to the 5 team that is working on those issues and doesn't 6 show appropriate diligence and responsibility when 7 it comes to doing this work. 8 And so the moment I became aware of data 9 that in my experience indicated that there was harm 10 that was not being looked at, I immediately wrote to 11 Adam about it, Adam Mosseri, the head of Instagram. 12 Q. Okay. Let's talk about that. 13 I've handed you Exhibit 18, which is an 14 e-mail from you to Adam Mosseri; is that correct? 15 A. That is correct. 16 Q. And if we go to the last page, dot 4, the 17 first e-mail in this chain is dated December 12, 18 2019, right? 19 A. Correct. 20 Q. At that point you had been actually 21 working at Meta and consulting as an expert and 22 supporting the Instagram Well-Being team for less 23 than two months? 24 A. Correct. 25 Q. And you're writing to the top executive at</p>
<p style="text-align: right;">Page 243</p> <p>1 (Whereupon, Meta-Bejar Exhibit 18 was 2 marked for identification.) 3 BY MR. CARTMELL: 4 Q. Mr. Bejar, during the time that you were 5 at Meta from 2019 to 2021, did you spend 6 approximately two years trying to convince Meta's 7 leadership to make safety on Instagram a priority? 8 MS. JONES: Objection to the 9 characterization. 10 Go ahead. 11 THE WITNESS: Yes. 12 BY MR. CARTMELL: 13 Q. Did you recognize going in to doing that 14 that it would be a difficult job for you to do? 15 A. I -- one of the things that was important 16 for me when I came back and people talked to me, 17 they said Adam will listen, Adam will make hard 18 choices, Instagram is a place where Adam will make a 19 difference on these issues. And so I believed that 20 you had to do the work but that Adam would listen. 21 And in my experience with Mark Zuckerberg and Sheryl 22 and Chris Cox is that they would listen as well. 23 So I knew what I had to do but I also knew 24 I had to be very thoughtful and respectful about it. 25 Q. Did you know that you had to show them how</p>	<p style="text-align: right;">Page 245</p> <p>1 Instagram at that time; is that correct? 2 A. That's correct. 3 Q. You say, "Hi Adam, Not sure if you heard, 4 but Samir/Yoav brought me in to do some consulting 5 with the Well-Being team, they are a good bunch. 6 I've been spending time with the teams working on 7 support/bullying and have some observations that 8 could be helpful." 9 Did I read that correctly? 10 A. Yes. 11 Q. And you asked him specifically if you 12 could meet with him; is that right? 13 A. That is correct. 14 Q. If you go to the dot 3, he responds to 15 your e-mail; is that correct? 16 A. Correct. 17 Q. And he says, "I did hear, wild." 18 And then he asks you to share your 19 observations over e-mail; is that right? 20 A. Correct. 21 Q. Okay. Let's look at your e-mail that you 22 shared with him about your concerns. And it's dated 23 December 13, 2019. It's the bottom of dot 2. 24 Do you see that? 25 A. I do.</p>

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<p style="text-align: right;">Page 246</p> <p>1 Q. You say, "So the action rate for content 2 reporting is between 7.1 percent and 7.7 percent, 3 that generally means there is something else going 4 on." 5 Did I read that correctly? 6 A. Yes. 7 Q. What did you mean by that? 8 A. I mean that there is harm that people are 9 experiencing but they are not able to communicate to 10 the company through the reporting flow. 11 Q. Okay. You say, "Usually the way 12 product/engineering think about reporting flows is 13 that the goal is to help people by enforcement. But 14 helping people and enforcing policy are actually two 15 different goals." 16 What did you mean by that? 17 A. What I mean by that is the enforcement of 18 community standards' internal definition is one 19 problem that you have to work on and solve. But 20 also helping people with issues, the harm that they 21 were experiencing, is a different but related 22 problem. 23 So if you are experiencing, like, eating 24 disorder content, that doesn't mean that the content 25 has to be removed. It just means that they</p>	<p style="text-align: right;">Page 248</p> <p>1 proactive work like we tried to do with bullying. 2 So he's asking me how do you prioritize 3 this work relative to the things that they had been 4 doing up to that point. 5 Q. And so he's asking you what the 6 prioritization of this work you're recommending 7 should be? 8 A. Correct. 9 Q. And what do you tell him? 10 A. "...the work of understanding what people 11 need help with is as important as the traditional 12 policy enforcement." 13 And it benefits, right, because you're 14 learning about harm. It is more important than 15 proactive work because it informs the proactive work 16 to understand the harm that people are experiencing 17 than shapes the proactive work so it's effective at 18 being proactive. 19 And I gave different examples of that 20 because this is a cycle that I had done many times 21 in my first stint. 22 Q. Okay. Let's go to the second paragraph. 23 Actually, I want to read where it states, 24 "What are high prevalence low intensity issues that 25 could lead to proactive social features? What high</p>
<p style="text-align: right;">Page 247</p> <p>1 shouldn't be recommending it to you. 2 Q. You say, "Proactive identification and 3 correct handling of policy violating or borderline 4 content is essential, but we found that a lot of the 5 time people needed help with things that had nothing 6 to do with policy." 7 Do you see that? 8 A. Yes. 9 Q. Are you telling Mr. Mosseri about your 10 concerns that the company's focus on enforcement of 11 the community standards without looking at the other 12 bad experiences potentially is not protecting 13 people, including kids, on Instagram? 14 MS. JONES: Objection to the form. 15 THE WITNESS: That is correct, that the 16 enforcement of the narrow interpretation of the 17 community standards is not protecting people. 18 BY MR. CARTMELL: 19 Q. Okay. And then he actually responds, if 20 you go to above your e-mail on dot 2, says, "Thanks 21 for taking the time to write this up." 22 And what does he respond to you? 23 A. Well, he says it -- that how do you think 24 about prioritizing this work relative to the 25 traditional policy enforcement and relative to more</p>	<p style="text-align: right;">Page 249</p> <p>1 intensity low prevalence issues are missed by the 2 current tools?" 3 What did you mean when you said, "What 4 high intensity low prevalence issues are missed by 5 the current tools?" 6 A. It means things like unwanted sexual 7 advances, bullying, the people who might be at risk 8 of, like, anorexia or some forms of illness. It 9 means things that might not be, like, in the -- in, 10 like, 70 percent of the population but they're 11 incredibly important no matter how many people they 12 affect. 13 In my first stint the team was split into 14 two parts. One part was stuff that happens a lot 15 but it's not that bad. And stuff that happens less 16 frequently but it's incredibly bad. And that was 17 the things that I was worried were missing by the 18 current approach. 19 Q. Let me ask you, in the fourth paragraph, 20 it states, "Ideally you end up with a team that has 21 resources." 22 What did you mean there? 23 A. Yeah. That you have a team that has 24 enough resources that are dedicated to the issues 25 that people are dealing with. I also recommend that</p>

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<p style="text-align: right;">Page 250</p> <p>1 you can do this through the reporting tools, like 2 effective reporting tool. And then that data can be 3 used to make everything safer. 4 Q. And had you discovered by this time within 5 just a few months that the well-being team was 6 underresourced and undersupported for the work they 7 were doing? 8 MS. JONES: Objection. Foundation. 9 THE WITNESS: Yes, I had found that. 10 BY MR. CARTMELL: 11 Q. Were you asking Mr. Mosseri, the number 12 one executive, to try to provide more resources for 13 the well-being work? 14 A. Yes, I was. 15 Q. And -- strike that. 16 You state in that paragraph, "That data 17 will then be used to help make the policy work 18 higher signal (for ML" -- is that machine learning? 19 A. Correct. 20 Q. -- "(for machining learning training and 21 human review), and help identify areas/measurements 22 for proactive work." 23 A. Correct. 24 Q. What are you telling Mr. Mosseri there? 25 A. What I'm telling Mr. Mosseri is that if</p>	<p style="text-align: right;">Page 252</p> <p>1 Q. If you go to .5, these are notes from your 2 conversation with [REDACTED]. 3 Do you see that? 4 A. Yes. 5 Q. And [REDACTED], I think we talked about, 6 she was a user researcher on the Instagram 7 Well-Being team; is that right? 8 A. Correct. 9 Q. She was involved in the NES user survey, 10 negative experiences survey? 11 A. Correct. 12 Q. This is dated 10/16. And I will represent 13 to you that that is a meeting you had with her on 14 October 16th of 2020. 15 Do you see that? 16 A. Yeah. 17 Q. It says "chat with Arturo about 18 prioritizing work on user perceived problems." 19 Did I read that correctly? 20 A. Yes. 21 Q. It states, "How do we convince people that 22 reducing negative experiences (even if not policy 23 violating) is worth trading off a bit with growth 24 and/or free speech concerns." 25 Do you see that?</p>
<p style="text-align: right;">Page 251</p> <p>1 you understand harmful experiences, if you 2 understand what content is driving them, where they 3 are happening, what people do with it, that is 4 covered with the framework, that information is 5 invaluable to then be more effective at enforcing 6 policy. Like we saw some examples of actual nudity. 7 And you could find that better if people were 8 allowed to tell you, yeah, this is some unwanted 9 sexual content. 10 And then once you have that information, 11 you can use it to train the infrastructure that I 12 know the company has, that my team that I managed in 13 my first stint built, to find the content not 14 recommended and to make much better use of the 15 people who are looking at reports. And so that 16 information is the first step in a proactive work 17 effort. 18 Q. Was this the first escalation by you about 19 your safety concerns for users and kids on Instagram 20 during -- during your work at Meta from 2019 to 21 2021? 22 A. Yes. 23 Q. Go back, if you would, to Exhibit 6. I 24 want to ask you something real quick. 25 A. Okay. Eight. Yes.</p>	<p style="text-align: right;">Page 253</p> <p>1 A. Yes. 2 Q. Were you experiencing, by this time in 3 October of 2020, the tension between the company 4 prioritizing engagement and growth versus actually 5 safety for kids on Instagram? 6 MS. JONES: Objection to the form. And 7 foundation. 8 THE WITNESS: Yes. 9 BY MR. CARTMELL: 10 Q. You say, "Make the case with data - this 11 is the size of the problem, this is how bad it makes 12 people feel, this is how many people leave because 13 of it." 14 A. Correct. 15 Q. What did you mean by that? 16 A. For -- metadata wins arguments and so I 17 believe that with the appropriate testing and 18 resources you could get data that showed that some 19 of the videos we've been seeing really affect 20 people's experience. Sometimes drive them off the 21 product. 22 And if you had data that showed that, then 23 you could say, yeah, maybe we shouldn't be 24 recommending those videos to a 13-year-old. And -- 25 and maybe you should curate the feed that's kind of</p>

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<p style="text-align: right;">Page 254</p> <p>1 age-appropriate or safer for that. And that it's a 2 trading off with the engagement of the content, that 3 you could see had hundreds of thousands of likes in 4 some context, and to be able to say, yeah, you know 5 we're not going to be recommending some things to 6 minors. 7 Again, at no point do I ever really say, 8 oh, we have to change the moderation line or change 9 the definition of that. It's all about what content 10 you feed a teenager. 11 Q. By October of 2020 you had been working at 12 Meta as the expert on safety supporting the 13 Instagram Well-Being team for about a year; is that 14 right? 15 A. Correct. 16 MS. JONES: I'm going to object -- excuse 17 me. 18 Objection to characterization. 19 Go ahead. 20 MR. CARTMELL: I'll restate. I think 21 there was some overlap in talking. 22 Q. As of October of 2020, when you're having 23 this conversation with Ms. [REDACTED] you had been 24 working at Meta as Meta's safety consultant with the 25 Instagram Well-Being team for approximately a year?</p>	<p style="text-align: right;">Page 256</p> <p>1 A. Yes, I do. 2 Q. The document is titled "'Bad Experiences' 3 Measurement, Plan for a 2021 plan." 4 Do you see that? 5 A. I do. 6 Q. And it is dated November 19, 2020; is that 7 correct? 8 A. Correct. 9 Q. Is this a document that you authored? 10 A. Yes, co-authored. 11 Q. Okay. And tell us what this document is 12 or this presentation was. 13 A. This presentation was to help the 14 Instagram Well-Being leads support and resource in 15 efforts to understand -- to better understand the 16 harm that people were experiencing on Instagram at 17 the time with the goal of getting resources and 18 support for proactive safety work at Instagram. 19 Q. This is another attempt for you to ask 20 leadership for the appropriate amount of funding and 21 support and resources to help protect kids on 22 Instagram? 23 A. Correct. It was one of the key drivers 24 for me for all of the work that I did is to make 25 sure that -- I'll do the best I could to help that</p>
<p style="text-align: right;">Page 255</p> <p>1 MS. JONES: Same objection. 2 Go ahead. 3 THE WITNESS: Yes, I had been. 4 BY MR. CARTMELL: 5 Q. I didn't ask you. But did Mr. Mosseri 6 make sure that the well-being team got the 7 appropriate funding and resources and support in 8 response to your e-mail to him? 9 A. He did not. 10 Q. And as of October of 2020, had the 11 well-being team received support and funding and the 12 appropriate resources for the well-being team to be 13 working on safety features to protect kids on 14 Instagram? 15 MS. JONES: Objection to the form. And 16 foundation. 17 THE WITNESS: They had not. 18 MR. CARTMELL: Exhibit 19. 19 (Whereupon, Meta-Bejar Exhibit 19 was 20 marked for identification.) 21 BY MR. CARTMELL: 22 Q. Mr. Bejar, Exhibit 19 is a PowerPoint 23 presentation that Meta produced in this litigation 24 from your files. 25 Do you see that?</p>	<p style="text-align: right;">Page 257</p> <p>1 team have the support that it needed to get done the 2 work that it needed to get done. 3 Q. If you go to page 3, there is a mention of 4 the goals. Is that the goals of this presentation? 5 A. Correct. 6 Q. And you said that this was a presentation 7 to the leads of the well-being team; is that right? 8 A. Correct. 9 Q. Was that Miki Rothschild; do you remember? 10 A. Correct. 11 Q. Who else? 12 A. Miki Rothschild, [REDACTED], [REDACTED] -- I 13 forget her last name, data science. [REDACTED], 14 who was user research. And I'm probably missing a 15 couple of names. 16 Q. The first goal is to "Share ambition and 17 key examples of problems to solve." 18 Do you see that? 19 A. I do. 20 Q. What were the problems that you were 21 trying to solve? 22 A. Raise awareness and get resources for 23 addressing the harms that people were experiencing. 24 Q. Were you feeling sort of a sense of 25 urgency at this point?</p>

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<p style="text-align: right;">Page 258</p> <p>1 A. I was, yes. I had been trying for some 2 time now to get some features added that would 3 create information about the harm people were 4 experiencing. And I had not been able to do that to 5 date and I was trying to understand why that was the 6 case. And then I realized what was needed was data 7 from like just rock-solid, well-crafted research 8 data that showed how big the problem is in order to 9 get resources that were proportional to the harm. 10 Q. Meanwhile, did you believe that day after 11 day, week after week, kids were continuing to be 12 harmed on Instagram? 13 MS. JONES: Objection to the form. 14 Foundation. 15 THE WITNESS: I mean, I think when we look 16 at all of these things, the sentence that I keep 17 coming back on over and over is "in the last seven 18 days." And that tells you what happened in the last 19 seven days since that survey was done and after the 20 work that we did for this. 21 BY MR. CARTMELL: 22 Q. Let's go to slide 8. 23 It states at the top left, "Context - Why 24 Bad Experiences." 25 Are you asking why -- you're presenting on</p>	<p style="text-align: right;">Page 260</p> <p>1 correct? 2 A. That's correct. 3 Q. And, again, when you're talking about the 4 gaps, you are talking about the type -- the gap 5 between enforcement of the community standards and 6 looking at what actually is happening in real time 7 as far as bad experiences on Instagram? 8 A. That is correct. 9 Q. And the gap is huge; is that correct? 10 A. That is correct. 11 Q. And they're not doing anything about that 12 gap? 13 MS. JONES: Objection. Form. Foundation. 14 THE WITNESS: They are not doing anything 15 to understand the gap. Like, this is trying to be, 16 like, it's urgent to understand. 17 BY MR. CARTMELL: 18 Q. Let me rephrase that because of the 19 objection. 20 Is Instagram doing anything to understand 21 that gap and to put together safety tools and 22 features to prevent the harms or substantially 23 reduce the harms? 24 MS. JONES: Same objection to the form and 25 lacks foundation.</p>
<p style="text-align: right;">Page 259</p> <p>1 why the company should focus on bad experiences? 2 A. Correct. 3 Q. What does this slide mean? 4 A. The slide is saying that a hundred percent 5 of the community standards policy focuses on 6 enforcement. So deleting content -- there's a 7 series of actions that you take when a policy 8 violation happens. 9 And what I'm saying there is that, as we 10 had seen on negative experiences survey, and 11 something else called TRIPS, T-R-I-P-S, what people 12 were experiencing on these issues was 100 times to 13 400 times greater than what was in the community 14 standards report. And so this is why this work is 15 important. It's every gray dot in that graph that 16 we saw. 17 Q. I want to make sure it's clear that when 18 you talk about enforcing policy, is policy the 19 community standards? 20 A. It's the narrow interpretation of the 21 community standards. 22 Q. Okay. Let's go to slide 10, please. 23 On this slide it looks like you are 24 presenting to the Instagram Well-Being leads the 25 types of gaps between policy and bad experiences,</p>	<p style="text-align: right;">Page 261</p> <p>1 THE WITNESS: No. 2 BY MR. CARTMELL: 3 Q. It states: Policy can be effective, but 4 number one, incident doesn't meet the policy bar 5 though clearly bad. 6 What do you mean by that? 7 A. If you look at a video where you can see 8 that apparently a woman is -- sorry to be graphic 9 about this, but apparently a woman appears to be 10 giving a blow job, but you don't see penetration. 11 That is an example of something that you look at and 12 you go, like, well that's pretty bad. But in order 13 for the content to be removed, you might need to see 14 the member and penetration. So that's an example of 15 something that is clearly bad. 16 There's other examples for each of the 17 categories that we talked about. 18 Q. And can that be harmful to a young kid? 19 A. I believe that can be as harmful as 20 policy-violating content to a kid. 21 Q. You say incident is hard to detect in, 22 number three, by human or automated review. 23 What is an example of that? 24 A. So unwanted sexual advances are something 25 that you look at the messages, and it's hard to</p>

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<p style="text-align: right;">Page 262</p> <p>1 proactively detect whether that was an unwanted 2 advance, but I believe you should completely trust 3 when a kid is telling you to me that was an unwanted 4 sexual advance. 5 So there are some things that by the 6 content or the message you could not detect an 7 advance. But once you got information about that 8 message combined with this actor and this kid, you 9 could then use it to detect further on. And so, 10 again, these are things that policy can be 11 effective, but it has a really hard time with that. 12 I knew that for years of working in this field. 13 Q. And as a result of that enforcement of the 14 community standards only, that can create a lot of 15 bad experiences going unknown to the company; is 16 that correct? 17 MS. JONES: Objection to the form. 18 THE WITNESS: I mean, that's correct. I 19 mean, the way I kind of think about like policy 20 enforcement and prevalence, is imagine there's 21 like -- there's this story about this. You are 22 walking down the street and you see this guy and 23 there is a lamp, and he is looking for keys under 24 the lamp. And you go help him. Oh, where are the 25 keys? And let me help you with that. And you are</p>	<p style="text-align: right;">Page 264</p> <p>1 Go ahead. 2 BY MR. CARTMELL: 3 Q. If you go to slide 13, is this an example 4 of something that occurs online on Instagram but is 5 not picked up as a violation by Instagram? 6 MS. JONES: Objection. Foundation. 7 THE WITNESS: That is correct. 8 BY MR. CARTMELL: 9 Q. It states: When I received rape threats 10 in my DMs, Instagram offered me no help at all. 11 Do you see that? 12 A. Yes. 13 Q. It states: I have been on the receiving 14 end of an unsolicited dick pic or two in my time. I 15 laughed them off at first. Then the same man 16 started sending explicit descriptions of violent 17 sexual fantasies he had about me. This included 18 rape, choking, putting me in crutches, and forcing 19 my mother and father to watch. 20 What is this an example of that you 21 included when you presented to the well-being leads 22 at Instagram? 23 A. It is an example of unwanted sexual 24 advances in every paragraph of that. It starts with 25 the unsolicited dick pics, and then it escalates</p>
<p style="text-align: right;">Page 263</p> <p>1 searching for a while there. And it's pretty clear 2 that the keys are not there. And you are going, 3 like, Where did you lose the keys? And the person 4 goes, like, oh, yeah, I dropped them in those bushes 5 over there. And you go, like, Why aren't we looking 6 in the bushes over there where you dropped the keys? 7 And they say, Well, the light is better here. 8 And so I think what happens is, when you 9 talk about narrow policy enforcement, you can build 10 infrastructure that can detect some things very 11 well. You can detect female nipples. You can 12 detect certain sentences. There's a little 13 incredible engineering on Meta's part being able to 14 detect these things at scale. But is that what is 15 going on in the bushes? Right. And that's -- what 16 I'm trying to call out is you need to have this 17 detection of policy-violating content as far as you 18 can see it, but you have to have an understanding, 19 and the whole life cycle I talked about, for all of 20 the other things that are not captured by this. And 21 what is in this presentation is all of these other 22 things are hundreds and hundreds of times. We're 23 talking about 9,998 things out of 10,000. 24 MS. JONES: Let me just object to the 25 narrative.</p>	<p style="text-align: right;">Page 265</p> <p>1 into violent sexual fantasies of being told of you 2 being raped in front of your family. 3 And these things, they should never 4 happen, like in the first place. They are such an 5 awful experience. And then you put that on a 6 13-year-old or a 14-year-old, and they get a message 7 like this. And today, there's still no way for them 8 to effectively report something like this. 9 Q. So this is not a violation of Instagram's 10 community standards? 11 MS. JONES: Objection. Foundation and 12 form. 13 THE WITNESS: If you read the community 14 standards, they very explicitly say they would 15 not -- they do not allow things like this. It says 16 if you -- I don't have it here, but it says we don't 17 allow that. But the interpretation of that is if 18 you get this message, and you try to report it, one, 19 what category do you select? Right. That's really 20 broken. And then if you do submit a report, will 21 they act on it? 22 And I tested it again in the last week 23 between two test accounts a message similar to this. 24 I tried to report it. And I got the feedback saying 25 this does not violate our community guidelines.</p>

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<p style="text-align: right;">Page 266</p> <p>1 We're not going to remove it.</p> <p>2 And it was understood by the team that the</p> <p>3 keyword here is the way Instagram uses the word</p> <p>4 "credible." If they -- if by their judgment they</p> <p>5 don't think that this is a real rape threat, they do</p> <p>6 not do anything about it.</p> <p>7 And when I was discussing this with my</p> <p>8 daughter, when she spoke to all of her friends, and</p> <p>9 people that I have spoken to since that have</p> <p>10 received threats, rape threats, unwanted sexual</p> <p>11 advances, unwanted dick pics, that again should</p> <p>12 never be like a thing, their response is the same.</p> <p>13 They feel powerless because they don't have the</p> <p>14 tools that would help them protect themselves and</p> <p>15 protect others.</p> <p>16 So when I talk about the urgency of this</p> <p>17 issue, it is exactly about messages like this.</p> <p>18 MS. JONES: Let me object to the</p> <p>19 nonresponsive narrative answer.</p> <p>20 Go ahead.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. Is that why you included this example of</p> <p>23 something that was not excluded from Instagram when</p> <p>24 you were presenting to the Instagram leads?</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">Page 268</p> <p>1 label on it.</p> <p>2 And if you look at, like, the -- the</p> <p>3 pictures here, right, the "Don't mind me. It's</p> <p>4 breakfast." It's Kermit having just a cup of tea</p> <p>5 for breakfast. Right.</p> <p>6 And these were examples that Instagram</p> <p>7 Well-Being team knew had affecting body image issues</p> <p>8 for girls.</p> <p>9 And the other thing that is really</p> <p>10 important about this slide is -- yeah. You can see,</p> <p>11 like -- I will be happy when I hit my -- that's a</p> <p>12 weight reference. Don't mind me. It's breakfast.</p> <p>13 You can't work off a binge. I mean, these are all</p> <p>14 that kind of content that in a fire hose, right, in</p> <p>15 these walls of content are promoting, like, body</p> <p>16 image issues and eating disorder.</p> <p>17 And then if you look at the text on the</p> <p>18 right of the slide, what we are saying there is we</p> <p>19 are teaching people to click a Report button or call</p> <p>20 the phones, and then -- this is really important.</p> <p>21 This comes over and over in research, research that</p> <p>22 was done in 2010 and research that was done later.</p> <p>23 Teenagers don't like to hit Report. They don't like</p> <p>24 the word "Report" because it is worried that they</p> <p>25 are going to get themselves in trouble and kind of</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. Were you trying to tell them how serious</p> <p>2 this problem was?</p> <p>3 A. Yes, I was.</p> <p>4 Q. If you go to slide 14, this is another</p> <p>5 example, and it's called "Thinspiration."</p> <p>6 What is that?</p> <p>7 A. Thinspiration was the internal label we</p> <p>8 used for content that encouraged being, like, too</p> <p>9 skinny, like, too thin. So this is "thin</p> <p>10 inspiration" pushed together. And that was one of</p> <p>11 the labels that was discussed internally at the time</p> <p>12 and used in Instagram the product to promote content</p> <p>13 that was related and would cause body image issues.</p> <p>14 Q. Why were you including this as an example</p> <p>15 of information that is allowed on Instagram and not</p> <p>16 enforced as a community standards violation?</p> <p>17 A. I'm sorry. I'm just -- it's important, I</p> <p>18 think, for people to read some of the text and look</p> <p>19 at the images around these things.</p> <p>20 Q. Why don't you go ahead and do that.</p> <p>21 A. Yeah. Don't report me. Just block me.</p> <p>22 I'm pro recovery. My Twitter handle is Starving is</p> <p>23 Cool.</p> <p>24 Right. So this is the kind of content</p> <p>25 that is encouraging starving, just by the -- the</p>	<p style="text-align: right;">Page 269</p> <p>1 afraid to hit it because of that. And then they are</p> <p>2 worried they are going to get somebody else in</p> <p>3 trouble.</p> <p>4 So we knew that the word report did not</p> <p>5 work for teens to select that as an option. And in</p> <p>6 2011 or '12 we changed that word to be something</p> <p>7 else that teens would feel comfortable clicking so</p> <p>8 we could get the information about the things that</p> <p>9 they were having.</p> <p>10 MS. JONES: Let me just object again to</p> <p>11 the narrative nonresponsive answer. And just to be</p> <p>12 very clear, we're going to seek to strike all of</p> <p>13 these answers as being speeches. They are not</p> <p>14 responsive to your questions.</p> <p>15 Go ahead.</p> <p>16 MR. CARTMELL: Well, I'm just going to</p> <p>17 respond to that one because I think it calls for a</p> <p>18 response.</p> <p>19 Okay. We will move on.</p> <p>20 Q. Was eating disorder content and body image</p> <p>21 content something that Meta knew was frequent on</p> <p>22 Instagram?</p> <p>23 MS. JONES: Objection. Foundation.</p> <p>24 THE WITNESS: Yes.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 270</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. And did Meta know from its internal</p> <p>3 research that there was content that was frequent on</p> <p>4 Instagram that was promoting or encouraging body</p> <p>5 image issues and eating disorders?</p> <p>6 MS. JONES: Objection to the form and</p> <p>7 lacks foundation.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. Were you using this example to show the</p> <p>11 Instagram Well-Being leads that this type of content</p> <p>12 was frequent on Instagram and not violating the</p> <p>13 community standards?</p> <p>14 A. Yes.</p> <p>15 Q. Was that because you were telling the</p> <p>16 Instagram leads -- strike that.</p> <p>17 Did you do that because you were telling</p> <p>18 the Instagram leads that there was harm to girls and</p> <p>19 kids on Instagram from this type of content?</p> <p>20 A. Yes.</p> <p>21 Q. Did Instagram ever, that you know of, warn</p> <p>22 parents or the public that it knew there was content</p> <p>23 that was frequent on Instagram that was promoting or</p> <p>24 causing or contributing to cause eating disorders</p> <p>25 and body image issues? Do you know?</p>	<p style="text-align: right;">Page 272</p> <p>1 related topics.</p> <p>2 Q. Did Meta know that kids were involved</p> <p>3 frequently on Instagram doomscrolling?</p> <p>4 A. Yes.</p> <p>5 Q. Can doomscrolling be harmful to kids?</p> <p>6 A. Yes.</p> <p>7 Q. Did Meta ever warn the public or parents</p> <p>8 that there was a risk of doomscrolling on Instagram</p> <p>9 that could cause mental well-being harms to kids?</p> <p>10 A. No.</p> <p>11 Q. Do you think they should have?</p> <p>12 A. Absolutely.</p> <p>13 Q. What were you asking the well-being leads</p> <p>14 for in this presentation?</p> <p>15 A. Resources to do a large-scale study to</p> <p>16 understand the harmful experiences that people were</p> <p>17 having on Instagram.</p> <p>18 Q. What type of large-scale study?</p> <p>19 A. User research.</p> <p>20 Q. A survey?</p> <p>21 A. Yeah, a survey.</p> <p>22 Q. We talked previously that there was the</p> <p>23 NES survey, and you mentioned the TRIPS survey.</p> <p>24 Why was it that you believed that there</p> <p>25 needed to be another survey related to negative or</p>
<p style="text-align: right;">Page 271</p> <p>1 MS. JONES: Object to the form.</p> <p>2 Foundation.</p> <p>3 THE WITNESS: I'm sorry. Could you repeat</p> <p>4 the question?</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. Yes. Did -- strike that.</p> <p>7 As far as you know, did Instagram ever</p> <p>8 warn the public or parents or users that there was</p> <p>9 frequent content on Instagram that was promoting or</p> <p>10 encouraging eating disorders and that could lead to</p> <p>11 body image issues?</p> <p>12 A. No.</p> <p>13 Q. Do you think they should have?</p> <p>14 A. Absolutely.</p> <p>15 Q. You talk about one type of triggering</p> <p>16 content.</p> <p>17 What do you mean by triggering content?</p> <p>18 A. It -- when you talk to people who are</p> <p>19 survivors of eating disorders, that's how this kind</p> <p>20 of content is referred to, that they will see this</p> <p>21 kind of content and you will skip the next meal.</p> <p>22 Q. What is doomscrolling?</p> <p>23 A. Doomscrolling was the internal term that</p> <p>24 referred to when somebody was spending a long amount</p> <p>25 of time looking at a single topic or a set of</p>	<p style="text-align: right;">Page 273</p> <p>1 harmful or bad experiences on Instagram?</p> <p>2 A. One of the things that I did when I first</p> <p>3 became aware of the Negative Experiences Survey and</p> <p>4 TRIPS is talk to a fair number of people to</p> <p>5 understand if they had tried to bring those numbers</p> <p>6 down and what they had learned in the process.</p> <p>7 So I talked to people at Instagram. I</p> <p>8 talked to people at Facebook to try and understand.</p> <p>9 And it became clear to me that you needed more</p> <p>10 information in order to make the survey more</p> <p>11 actionable by the kinds of features that the company</p> <p>12 could build.</p> <p>13 And also there were some categories that</p> <p>14 were not covered by the other surveys, and I wanted</p> <p>15 to make sure that we had a good comprehensive survey</p> <p>16 of the issues that people were dealing with in</p> <p>17 Instagram.</p> <p>18 Q. Did the Instagram leads or leadership at</p> <p>19 Meta provide you with the resources and funding and</p> <p>20 support that you asked for in that presentation?</p> <p>21 A. They did, yes.</p> <p>22 Q. And was that for the actual survey you are</p> <p>23 talking about?</p> <p>24 A. Correct.</p> <p>25 MR. CARTMELL: I'm going to hand you</p>

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<p style="text-align: right;">Page 274</p> <p>1 Exhibit 20. 2 (Whereupon, Meta-Bejar Exhibit 20 was 3 marked for identification.) 4 BY MR. CARTMELL: 5 Q. Mr. Bejar, Exhibit 20 is an e-mail chain 6 from you to Mr. Cox. And it is dated December 12, 7 2020. 8 Do you see that? 9 A. Yes. 10 Q. This is an e-mail chain that was produced 11 in this litigation from your files from the time you 12 were at Meta. 13 Do you understand that? 14 A. Yes. 15 Q. And December of 2020, now you had been at 16 Meta working as the safety consultant to the 17 well-being team at Instagram for a year and a few 18 months; is that right? 19 A. Correct. 20 Q. Okay. Now, you are escalating your 21 concerns to another executive; is that correct? 22 A. That's correct. 23 Q. Chris Cox, what was his position? 24 A. Chris Cox was the head of product for the 25 company. And he was Mark Zuckerberg's right-hand</p>	<p style="text-align: right;">Page 276</p> <p>1 A. So when I -- so the part of it is how 2 you -- the things that I found from all of my 3 conversations with people who have been working on 4 prevalence, who had been working on TRIPS. And one 5 of the things that became clear to me is that people 6 didn't understand why the company would be saying 7 point something percent of nudity and why people 8 were saying that, like, one in five of them had 9 experienced it in the last seven days. Pick your 10 category for any one of these. 11 And so I would ask people do you 12 understand the gap between these two numbers. And 13 most people would be like, no, I don't understand 14 the gap between these two numbers. And that's 15 ideally the point where you invite people to look at 16 the content so that you can understand what is the 17 gap. 18 And so I'm laying out what is the gap 19 between the experiences of harm from a user's 20 perspective and prevalence. 21 Q. Are you telling Mr. Cox, like you did 22 Mr. Mosseri, that the company didn't understand the 23 harm that was going on on Instagram? 24 A. That is correct. 25 Q. Were you nervous talking to the very top</p>
<p style="text-align: right;">Page 275</p> <p>1 person when it came to product issues for the 2 company. And somebody with whom I had worked with 3 extensively during my first stint. 4 Q. So was Chris Cox essentially one of the 5 very, very top executives at the company other than 6 Mark Zuckerberg? 7 A. Correct. He was one of the top, like, 8 three people in the company. 9 Q. Okay. You say: Hi, Chris. I wanted to 10 give you an update since we spoke last week. 11 So you must have had a conversation with 12 him, I take it, before this? 13 A. Correct. 14 Q. Okay. You said: After we spoke I felt I 15 did not do a good job of articulating what I have 16 come to understand, and after conversations with 17 people across the company and working closely with 18 the Instagram Well-Being team, I have a better 19 framing. 20 And so did you then set out the framing of 21 what you were intending to tell Mr. Cox? 22 A. Correct. 23 Q. What are you -- if you would, just sort of 24 generally state. What are you laying out here to 25 Mr. Cox?</p>	<p style="text-align: right;">Page 277</p> <p>1 executives at the company that is a multibillion 2 dollar company and telling them that they don't 3 understand the harm that is happening on Instagram? 4 A. Not at all. 5 Q. Why not? 6 A. I used to sit above or below them for most 7 of my time, like in the floor. And if something 8 happened like this that I became aware of it, I 9 would walk over to Chris Cox's desk and say, hey, we 10 just discovered this really bad thing. Here are the 11 numbers. I would just make sure that you know. 12 And I would do that with Chris Cox, with 13 Mark Zuckerberg and with Sheryl Sandberg. And Mike 14 Schroepfer, my manager, always knew when I was doing 15 this. And every time I had a conversation like that 16 during my first stint, it always led to immediate 17 action that would help address the gap. Because 18 ultimately what I was trying to do is protect the 19 people who use Facebook or Instagram. 20 Q. You state: Today we don't understand well 21 the relationship between bad experiences or harm 22 from our user's perspective, what TRIPS captures -- 23 That's a survey, correct? 24 A. Correct. 25 Q. -- and prevalence, policy-violating</p>

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<p style="text-align: right;">Page 278</p> <p>1 content. In Instagram 20 percent of daily active 2 user witness what they consider to be hate over the 3 last seven days. Five percent report being targets. 4 During that period 70,000 reports are submitted the 5 Hate category in FRX. 6 What is that? Is that another database of 7 surveys? 8 A. No. FRX is the reporting tool that is the 9 interface where people report issues. 10 Q. Okay. "And only a small fraction of those 11 is action." 12 So are you saying 70,000 reports are made 13 on hate during that period of time and the action 14 rate is low? 15 A. Yeah. Very low for the hate issues. 16 Q. "I think this explains one of the sources 17 of negative perception of our products and by our 18 employees." 19 What do you mean that this explains the 20 negative perception of our products and by our 21 employees? 22 A. During that time I had seen a lot of 23 people that I was connected with on Facebook quit, 24 and in their goodbye post they would say there is 25 just a lot of crap here. I don't want to be dealing</p>	<p style="text-align: right;">Page 280</p> <p>1 THE WITNESS: Yes, I did. During my first 2 stint there were different conversations about 3 having a spam metric. And, basically, it was, like, 4 grading your own homework. Here are the things I 5 can find. And I did a really good job of deleting 6 the things I could find. And we found that any 7 meaningful event that impacted user safety was 8 generally around things that were not caught by our 9 existing tools and our existing filters. 10 BY MR. CARTMELL: 11 Q. One of the last things you say is: If we 12 get really good at finding, understanding, and 13 addressing the unintended harms that people 14 experience in our products, I think it would be 15 motivating for employees as well as true to our 16 mission. 17 Do you see that? 18 A. Yes. 19 Q. Was there a morale problem, was that your 20 understanding, within the well-being team at that 21 time? 22 MS. JONES: Objection to the form. 23 THE WITNESS: Yes, there was. 24 BY MR. CARTMELL: 25 Q. And was that -- what was your</p>
<p style="text-align: right;">Page 279</p> <p>1 with this crap. So I'm just going to close my 2 account and go away. 3 And at the time there was always a lot of 4 reports of things that employees were finding 5 distressing, because there was a lot of different 6 kinds of hate playing out on the platform. 7 Q. Okay. "In the conversations I have had, I 8 found that for many people prevalence equals harm. 9 My guess from what I have seen is that Mark thinks 10 about it this way." 11 Are you referring to Mark Zuckerberg? 12 A. Yes. 13 Q. And what do you mean that he thinks about 14 it that way, that many -- that prevalence equals 15 harm? 16 A. That every time I saw Mark speaking 17 publicly or internally about harm, he would 18 immediately talk about it in terms of prevalence. 19 Q. And did you know from your experience, at 20 this time around 25 years of experience, in the 21 industry as a safety and security expert, that 22 prevalence, that metric didn't have anything to do 23 with the actual harm going on on Instagram? 24 MS. JONES: Objection to the form. 25 Foundation.</p>	<p style="text-align: right;">Page 281</p> <p>1 understanding of why that was? 2 MS. JONES: Lacks foundation. 3 MR. CARTMELL: Let me restate it. 4 Q. What was your understanding of why there 5 was a morale problem within the well-being team as 6 of this time? 7 MS. JONES: Same objection. 8 THE WITNESS: There was -- like, a lot of 9 the harm that we have been talking about was common 10 knowledge for the people I work with and the 11 well-being team. It was discussed in different 12 contexts. 13 And there was not enough resources to deal 14 with issues. And if there was an incident, like, 15 for example I think I mentioned already racism 16 experienced by black athletes, then you would stop 17 working on what you were working on and then you 18 would go work on that fire for, like, a few weeks. 19 And you really -- it's hard to do this 20 kind of work without the right support. It can be 21 pretty demoralizing. 22 BY MR. CARTMELL: 23 Q. Did you believe that -- strike that. 24 Do you believe that Meta was, at this 25 time, acting true to its mission?</p>

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<p style="text-align: right;">Page 282</p> <p>1 MS. JONES: Objection. Foundation and 2 form. 3 THE WITNESS: I think it was not. 4 MR. CARTMELL: How long have we been 5 going? 6 THE VIDEOGRAPHER: Hour and 21. 7 MR. CARTMELL: Hour and 21? 8 THE VIDEOGRAPHER: Yes. 9 MR. CARTMELL: Can we take a break? 10 MR. WARD: We can, yeah. 11 THE VIDEOGRAPHER: Time is 4:57. We're 12 off the record. 13 (Whereupon, a brief recess was taken.) 14 THE VIDEOGRAPHER: Time is 5:12. We're 15 back on the record. 16 BY MR. CARTMELL: 17 Q. Mr. Bejar, we're back on the record after 18 a short break. 19 Are you ready to proceed? 20 A. Yes, I am. 21 Q. Before the break we were talking about how 22 you had decided that there was a need for -- I think 23 you said a bigger, more robust survey; is that 24 correct? 25 A. Correct.</p>	<p style="text-align: right;">Page 284</p> <p>1 A. Correct. 2 Q. I'm sorry about that. 3 You and Dr. [REDACTED] did you work together 4 to sort of put together the protocol, that sort of 5 thing, related to the survey study? 6 A. Correct. 7 Q. And that survey, did it occur in June -- 8 well, between June and July of 2021? 9 A. I believe so, yes. 10 MR. CARTMELL: I'm going to hand you what 11 has been marked as Exhibit 21. 12 (Whereupon, Meta-Bejar Exhibit 21 was 13 marked for identification.) 14 BY MR. CARTMELL: 15 Q. With respect to the BEEF survey, as far as 16 the experiences that were going to be tested in 17 that, did you have involvement in actually that 18 process of deciding what questions were going to be 19 asked of the users? 20 A. Yes. 21 Q. Okay. Was this survey, the Bad 22 Experiences And Encounters framework survey, a more 23 robust survey than the prior TRIPS or NES surveys? 24 MS. JONES: Objection. Foundation. 25 THE WITNESS: Yes.</p>
<p style="text-align: right;">Page 283</p> <p>1 Q. And what was the purpose of that as far as 2 trying to escalate your concerns to the executives? 3 A. To help get resources for the Instagram 4 Well-Being team. 5 Q. Did that survey become known as the Bad 6 Experiences and -- hold on -- 7 MS. JONES: Encounters. 8 BY MR. CARTMELL: 9 Q. -- encounters. Let me start over. 10 Thank you, Phyllis. 11 Did that survey become known as the Bad 12 Experiences and Encounters survey? 13 A. Yes, it did. 14 Q. Okay. And were you involved actually in 15 the development of that survey? 16 A. Yes, I was. 17 Q. Did you have involvement with Mr. [REDACTED] 18 [REDACTED] 19 A. That's correct. 20 Q. Who is [REDACTED]? 21 A. [REDACTED] was a user researcher that 22 was part of the well-being research team at 23 Instagram. 24 Q. I think actually he is a doctor. Does he 25 go by Dr. [REDACTED]?</p>	<p style="text-align: right;">Page 285</p> <p>1 BY MR. CARTMELL: 2 Q. In what respects? 3 A. In one of them was the number of people 4 that would ask the questions. So it was a few 5 hundred thousand of people that got the questions. 6 It was also covering more topics or more areas that 7 were not covered in some of the other surveys. And 8 then you were going to get details about, going back 9 to the framework, like where it happened, how it 10 happened, and how bad it was. 11 Q. And was that something that you sort of 12 insisted on with respect to this survey, you wanted 13 it to ask that information to give Meta more 14 information about harms? 15 MS. JONES: Objection to the form. 16 THE WITNESS: That's correct. Because 17 that information is very actionable. 18 BY MR. CARTMELL: 19 Q. When you say "actionable," what do you 20 mean? 21 A. It means that if you know where it 22 happened, then you know where you can change the 23 product in order for people to help people with that 24 issue. If you know what happened, then you have the 25 content and the data. And if you know how intense</p>

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<p style="text-align: right;">Page 286</p> <p>1 it is, you can prioritize the work because you can 2 find the things that are more urgent to investigate. 3 Q. Is -- this document in front of us, Bad 4 Experiences and Encounters Framework (BEEF) Survey, 5 the author of this presentation is [REDACTED]; is 6 that right? 7 A. Correct. 8 Q. And is this a presentation that has a 9 summary of the findings from the BEEF survey? 10 A. Correct. 11 Q. Have you seen this document before? 12 A. Yes, I have. 13 Q. Let's take a look at this document. Why 14 don't you go ahead and look at page 3. 15 It states, "Why are we doing this?" It 16 states, "To develop a holistic, consistent picture 17 of user bad experiences on Instagram that allows us 18 to track our progress each half." 19 Do you see that? 20 A. Yes, I do. 21 Q. Was the BEEF survey supposed to be set up 22 so that it would be done every six months? 23 A. Yes. 24 Q. When it says "half," that means every half 25 year?</p>	<p style="text-align: right;">Page 288</p> <p>1 By contrast, the BEEF survey pulls issues from the 2 Bad Experiences and Encounters Framework, which 3 sourced issues from all of our user input channels." 4 What does that mean? 5 A. It means that there's different ways in 6 which you get information from users. There is ways 7 to report bugs. There's user research. There is 8 reporting. There's different fronts. And this 9 pulled issues from all of the user channels that 10 were available at the time. 11 Q. Under the paragraph Consistent, it says, 12 "The BEEF survey asks a random sample of users the 13 top 22 issues from BEEF, so we can compare and 14 contrast easily." 15 Do you see that? 16 A. Correct. 17 Q. So were there 22 actual issues, meaning 18 bad experiences, that were asked about in the 19 survey? 20 A. That's correct. 21 Q. And when I say "issues" or "bad 22 experiences," that's like bad experiences from 23 bullying or suicide and self-injury or violence, 24 those sorts of things? 25 A. Correct.</p>
<p style="text-align: right;">Page 287</p> <p>1 A. Correct. 2 Q. What was the reason why it was going to be 3 repetitive in nature? In other words, it was going 4 to be done each half? 5 A. So you could track the progress that you 6 were making at preventing harmful issues. 7 Q. So, for example -- or hypothetically, if 8 you had a survey and a user told you that they were 9 having a bad experience from bullying or unwanted 10 sexual advances or something like that and they told 11 you it was 20 percent, then you would look and do 12 the survey again and see if it had gotten worse or 13 gotten better; is that correct? 14 A. That's correct. 15 Q. And would the idea be -- tell me if I'm 16 wrong. But would the idea be during the 17 intermittent time between the surveys, you would try 18 to build safety tools and features to reduce the 19 harm? 20 A. That's correct. 21 Q. It states consistent -- wait -- strike 22 that. 23 It states, "Holistic: TRIPS focuses on 24 policy-violating experiences, but there are 25 additional causes of bad experiences on Instagram.</p>	<p style="text-align: right;">Page 289</p> <p>1 Q. And then it says, "Track our progress: 2 Without a control group, it's impossible to 3 determine causality from our other signals. The 4 BEEF survey was fielded to both the well-being 5 holdout and production groups." 6 Do you see that? 7 A. Yes, I do. 8 Q. Was this study supposed to have two groups 9 that were surveyed, one that would have had the 10 safety features and tools in place and another group 11 that didn't have safety tools and features in place 12 so you could compare them and see whether or not one 13 had less harm than the other? 14 MS. JONES: Objection to form. 15 THE WITNESS: That's correct. That was a 16 widely used practice for all of my time at Facebook. 17 BY MR. CARTMELL: 18 Q. And so were you actually, with the help of 19 Mr. [REDACTED] responsible for ensuring that Instagram 20 for the first time was doing that comparison? 21 A. Correct. 22 Q. Let's go to page 5. 23 There's a list here on the left and right, 24 I guess, two columns of the 22 issues, or bad 25 experiences, that were asked about in this survey;</p>

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<p style="text-align: right;">Page 290</p> <p>1 is that right?</p> <p>2 A. Correct.</p> <p>3 Q. And so on the left it starts with "False</p> <p>4 or misleading" and then "Violence" and then "Hate"</p> <p>5 and "Bullying." That sort of thing?</p> <p>6 A. Correct.</p> <p>7 Q. On the right, there's "Unwanted advances,"</p> <p>8 "Account security," "Impersonation," "Civic</p> <p>9 content."</p> <p>10 That sort of thing, correct?</p> <p>11 A. Correct.</p> <p>12 Q. "Self-harm"?</p> <p>13 A. Correct.</p> <p>14 Q. And then, are these the actual questions</p> <p>15 that were asked?</p> <p>16 A. That's correct.</p> <p>17 Q. What's the relevance of this to this</p> <p>18 survey?</p> <p>19 A. Well, when you look at a label like</p> <p>20 "Nudity," we all kind of have our definition of what</p> <p>21 that is, but when you design one of these surveys</p> <p>22 it's really all about the questions.</p> <p>23 So, "Have you ever seen nudity or sexual</p> <p>24 images on Instagram that you didn't want to see?"</p> <p>25 Or, like, "Have you ever felt worse about</p>	<p style="text-align: right;">Page 292</p> <p>1 times have you seen something like this?"</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. So was this survey asking for the 238,000</p> <p>5 users on Instagram to say what bad experiences they</p> <p>6 had in the last week?</p> <p>7 A. It was in the last seven days. And then</p> <p>8 this question is about if you said, for example, yes</p> <p>9 to one of the harms, in the last week how many times</p> <p>10 did you see something like this. So that you get a</p> <p>11 sense of how frequent you run into that harm during</p> <p>12 the last seven days if you had indeed experienced</p> <p>13 it.</p> <p>14 Q. And I don't think the NES survey, did it</p> <p>15 have that or do you know?</p> <p>16 A. It did not.</p> <p>17 Q. Okay. It also asks for emotional data; is</p> <p>18 that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Explain that, please.</p> <p>21 A. So we knew it was very important to</p> <p>22 understand the severity of the issue to understand</p> <p>23 which emotion the person was experiencing. And so</p> <p>24 then for somebody that experienced a particular</p> <p>25 issue, you want to know what emotion they felt</p>
<p style="text-align: right;">Page 291</p> <p>1 yourself because of other people's posts on</p> <p>2 Instagram?" That's the question for the "Negative</p> <p>3 Social Comparison" topic. But it really gets at</p> <p>4 what happens to people.</p> <p>5 And so for each of these categories, it's</p> <p>6 really the questions that tell you what the harm is</p> <p>7 connecting to.</p> <p>8 Q. Did you and Mr. [REDACTED] believe that this</p> <p>9 study would provide Meta with important data for</p> <p>10 future work on reducing the harms on Instagram?</p> <p>11 A. Yes, we did.</p> <p>12 Q. And this study, I believe, was 238,000</p> <p>13 people who were surveyed; is that right?</p> <p>14 A. That's correct.</p> <p>15 Q. And that's eight times as big,</p> <p>16 approximately, than the prior NES survey that we</p> <p>17 looked at, correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Let's go to the next page, dot 6. Survey</p> <p>20 questions and log data context. And I want to ask</p> <p>21 you just a few questions about this.</p> <p>22 "Frequency." It says, "In the last 7</p> <p>23 days, how many things have you seen" -- I'm sorry.</p> <p>24 Let me start over.</p> <p>25 It says, "In the last 7 days, how many</p>	<p style="text-align: right;">Page 293</p> <p>1 related to the issue that they were experiencing.</p> <p>2 Q. Okay. I'm going to hand you actually an</p> <p>3 exhibit that we were produced in the files of Meta</p> <p>4 that I think is a list of emotions that were asked</p> <p>5 about in the BEEF study.</p> <p>6 Handing you Exhibit 22.</p> <p>7 (Whereupon, Meta-Bejar Exhibit 22 was</p> <p>8 marked for identification.)</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. I want to ask you if, in fact, this looks</p> <p>11 like -- I'll wait for Jim.</p> <p>12 Let me ask you, Exhibit 22 is a list of</p> <p>13 emotions. It says, "Which specific emotions did you</p> <p>14 feel? Please select all that apply."</p> <p>15 And then it has several emotions listed;</p> <p>16 is that right?</p> <p>17 A. That's correct.</p> <p>18 Q. And are these emotions that you and</p> <p>19 Mr. [REDACTED] decided would be appropriate to ask</p> <p>20 about in this survey?</p> <p>21 A. That's correct. And also, like, select</p> <p>22 all that apply because it was very important to know</p> <p>23 if somebody felt angry and powerless, right. I</p> <p>24 mean, the combination of this is very telling.</p> <p>25 Q. And would the users -- they were</p>

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<p style="text-align: right;">Page 294</p> <p>1 instructed to do that, and they would provide that 2 data, the company could use that data to determine 3 how severe the harm is potentially -- let me restate 4 that. 5 And could the company use that data 6 related to emotions to determine the severity of the 7 bad experience? 8 A. That is correct. The severity of the bad 9 experience. And then whether the user had agency, 10 they felt there was something they could do about 11 it. 12 Q. It actually asks length of emotional 13 reaction. Do you see that -- let's go back, sorry, 14 Jim, I'm ahead of you. 15 Let's go back to the BEEF study and look 16 at the survey questions from the presentation. 17 Exhibit 22. 18 It also asks "Specific emotion felt." 19 Which specific -- strike that. 20 It also asks "Length of emotional 21 reaction" for "How long after the experience did you 22 feel this way?" 23 You see that? 24 A. I do, yes. 25 Q. Why was that important?</p>	<p style="text-align: right;">Page 296</p> <p>1 Q. Is that a big survey? 2 A. Yes, it's a survey that is -- think of 3 those as statistically significant. So it's -- you 4 ask enough people so that it's an accurate 5 representation of the Instagram population. 6 Q. I see. 7 So the results that you can get from a 8 survey that size are results that you can then 9 extrapolate to the entire Instagram community? 10 MS. JONES: Objection to the form. And 11 foundation. 12 MR. CARTMELL: Let me restate it. 13 Q. Can you, with results from a survey this 14 size, take the information and are you supposed to 15 be able to, if it's statistically significant, 16 extrapolate that to the greater Instagram community? 17 MS. JONES: Same objection. Form. Lacks 18 foundation. 19 THE WITNESS: That's correct. That's why 20 you do a survey this size is so that you could -- 21 are able to make claims about what people on 22 Instagram are experiencing which are accurate. 23 BY MR. CARTMELL: 24 Q. Okay. Let's go to page 19 in the Results 25 section.</p>
<p style="text-align: right;">Page 295</p> <p>1 A. Because it is a critical proxy as to how 2 intense the experience was. 3 Q. When you say "intense," are you talking 4 about severity? 5 A. Yeah, about how bad it was. Feel angry 6 for a week. Feel afraid. It's a big deal. 7 Q. Is it true that that set of questions on 8 the length of emotional reaction had not been 9 something that before you arrived had been in the 10 surveys about bad experiences on Instagram? 11 MS. JONES: Objection. Foundation. 12 THE WITNESS: Not as far as I was aware. 13 BY MR. CARTMELL: 14 Q. Okay. And was that something that you 15 felt strongly, based on your expertise as a safety 16 expert, needed to be in the survey? 17 A. That is correct. 18 Q. If you turn real quickly just to dot 7, 19 you'll see, I just wanted to point out that this is 20 the sample size. We already talked about it. 21 But if you go to the right, the bottom 22 right, it states the respondents were 237,923 users 23 of Instagram. 24 Do you see that? 25 A. I do, yes.</p>	<p style="text-align: right;">Page 297</p> <p>1 It states, "Respondents experiencing one 2 or more issues. A little over half of respondents 3 (51.6 percent) experienced at least one issue in the 4 past 7 days." 5 Do you see that? 6 A. I do, yes. 7 Q. Now, the other thing that this survey had 8 that the prior NES and TRIPS survey did not have was 9 a breakdown of ages, including categories of 10 teenagers; is that right? 11 A. That's correct. 12 Q. And as we see here, there was a category 13 for 13- to 15-year-olds; is that right? 14 A. That's correct. 15 Q. And then a category for 16- to 16 17-year-olds, right? 17 A. That's correct. 18 Q. Why did you think that was important for 19 Meta to be getting a breakdown of responses in data 20 related to the teenagers? 21 A. Because it's essential to know what 22 teenagers are experiencing so that you create safety 23 features that protect them. 24 Q. This states that 54.1 percent of 13- to 25 15-year-olds experienced one or more of these bad</p>

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<p style="text-align: right;">Page 298</p> <p>1 experiences?</p> <p>2 A. That's correct.</p> <p>3 Q. In the last seven days, right?</p> <p>4 A. The last seven days.</p> <p>5 Q. So more than half?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Of the 16- to 17-year-olds it's</p> <p>8 even more. It's 57 percent that had experienced one</p> <p>9 or more of these bad experiences within the last</p> <p>10 seven days; is that right?</p> <p>11 A. That's correct.</p> <p>12 Q. Was that data concerning to you?</p> <p>13 A. Yes.</p> <p>14 Q. Why is that?</p> <p>15 A. Because it tells you that teens are</p> <p>16 having -- for each one of these 22 issues, they are</p> <p>17 having this harmful experiences and it -- I mean,</p> <p>18 it's so important to create a -- tools and an</p> <p>19 environment which is safe for them.</p> <p>20 And so if they're telling me they are</p> <p>21 experiencing multiple issues multiple times, it is</p> <p>22 an urgent issue that the company needs to address.</p> <p>23 Q. Let's go to page 21 and look at the</p> <p>24 results by age groups.</p> <p>25 This chart has the results by age groups;</p>	<p style="text-align: right;">Page 300</p> <p>1 looked at in the NES survey, right? In this survey,</p> <p>2 for 13- to 15-year-olds, it's 27.2 percent. And --</p> <p>3 for 13 to 15. And 29.4 percent for 16- to</p> <p>4 17-year-olds in the last seven days.</p> <p>5 A. That's correct. One in three saw it</p> <p>6 happen.</p> <p>7 Q. Let's go down to "bully target." That's</p> <p>8 actually referring to the users or the kids who are</p> <p>9 themselves a target of the bullying; is that right?</p> <p>10 A. That's correct.</p> <p>11 Q. Let me ask you, I didn't ask you, can</p> <p>12 witnessing bullying be harmful to kids?</p> <p>13 MS. JONES: Objection. Foundation.</p> <p>14 THE WITNESS: Absolutely. We knew that</p> <p>15 it's not the same thing if somebody comes to you at</p> <p>16 a school and says, I'm going to make sure you don't</p> <p>17 get invited to the party tonight. That just happens</p> <p>18 then and it's the people who hear it.</p> <p>19 When that happens on Instagram, we knew</p> <p>20 also from working on this issue on my first stint,</p> <p>21 these comments get amplified and so suddenly</p> <p>22 everybody in the school is seeing it and people in</p> <p>23 schools nearby are seeing it. And we knew that was</p> <p>24 profoundly distressing for teenagers who are asking</p> <p>25 for help telling us please urgently help take this</p>
<p style="text-align: right;">Page 299</p> <p>1 is that right?</p> <p>2 A. That's correct.</p> <p>3 Q. And it states, "Younger people report</p> <p>4 higher rates of every issue, with some issues felt</p> <p>5 more universally than others."</p> <p>6 You see that?</p> <p>7 A. I do, yes.</p> <p>8 Q. It states, in the paragraph below that,</p> <p>9 "(the age group with the highest rate of</p> <p>10 experiencing an issue) are within the four youngest</p> <p>11 age groups."</p> <p>12 Do you see that?</p> <p>13 A. I do, yes.</p> <p>14 Q. And if you look at the 13- to</p> <p>15 15-year-olds, did they actually experience higher</p> <p>16 rates of bad experiences in the most categories?</p> <p>17 A. Yes.</p> <p>18 Q. Is that concerning?</p> <p>19 A. Absolutely.</p> <p>20 Q. Let's look at some of this information for</p> <p>21 the youngest category.</p> <p>22 And actually, let's go out and pull 16-</p> <p>23 and 17-year-olds, too, if you wouldn't mind, Jim.</p> <p>24 Thank you.</p> <p>25 For "bully witness," that was something we</p>	<p style="text-align: right;">Page 301</p> <p>1 down. So the teen reporting tools that we gave</p> <p>2 them.</p> <p>3 And so the combination of, like,</p> <p>4 approximately one in ten kids being the target and</p> <p>5 then one in three watching it happening is very</p> <p>6 distressing for them and also normalizes the</p> <p>7 behavior so that people who are watching because</p> <p>8 they think it's okay to do things like that. If</p> <p>9 that's what you see, it's what you do. Like people</p> <p>10 copy the behavior that they see.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. So let me ask you, did -- bullying in</p> <p>13 school is a bad thing, right?</p> <p>14 A. Correct.</p> <p>15 Q. Is bullying online potentially more</p> <p>16 harmful to kids for the reasons you just stated?</p> <p>17 MS. JONES: Objection. Foundation.</p> <p>18 THE WITNESS: Absolutely.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. Are they the same, in your mind? In other</p> <p>21 words, is online bullying just a reflection of what</p> <p>22 happens in the real world?</p> <p>23 A. No.</p> <p>24 Q. Why is that?</p> <p>25 A. Because online bullying is persistent,</p>

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<p style="text-align: right;">Page 302</p> <p>1 amplified, so the audience to it is bigger. It 2 lives a much longer period of time. As long as the 3 content stays up. And we know this from both 4 research and work. 5 In the first time around the kid who is 6 experiencing it feels really alone the moment that 7 it happens. And the moment that that escalates the 8 feelings get more intense. So it can be profoundly 9 anxiety-inducing. It could be profoundly 10 distressing. It can runaway, right. It goes viral 11 and suddenly you have a million views. Just imagine 12 what that does to a 13-year-old. 13 Q. And let's look at "bullying target." 14 States that 10.8 percent of 13- to 15-year-olds and 15 9.7 of 16- and 17-year-olds. 16 So about one in ten kids or teens on 17 Instagram had been the target of bullying on 18 Instagram within the last week? 19 A. Correct. 20 Q. And some multiple times, right? 21 A. Correct. And I -- that's correct. 22 And I would like to say that as part of 23 the work I've been doing to this I have talked to 24 the parents of kids who have committed suicide 25 because of bullying.</p>	<p style="text-align: right;">Page 304</p> <p>1 And that then the parents, and this is 2 three or four of the parents I spoke to, later 3 themselves were the targets of bullying and were 4 told, you put your kid in a body bag, or sort of 5 similar comments about them killing their kids. And 6 then they try to report those issues to Instagram. 7 And yet again, when you look at the action 8 rate of bullying and harassment, that's really what 9 we're talking about. If you look at intensity, what 10 we knew in 2012 and 2011, is if it's really intense 11 it can get really bad. 12 And so I talked to these parents and have 13 them explain what happened to me and the patterns 14 where we tried to bring it to this attention of 15 Instagram. They didn't act. When my kid died it 16 took me months to get any data as to what had 17 happened to them. And then when I went public about 18 these things I was the target of bullying and 19 harassment and there was nothing I could do about 20 it. 21 BY MR. CARTMELL: 22 Q. You've done a lot of work over your 23 30-year career on trying to prevent online bullying; 24 is that correct? 25 A. That is correct.</p>
<p style="text-align: right;">Page 303</p> <p>1 Q. Let me ask you a question about that. I 2 was going to ask you about that. 3 A. Yeah. 4 Q. Have you actually, in your work since 5 leaving Meta, been involved with working with or 6 talking with parents across America whose kids have 7 been bullied on Instagram? 8 A. I have, yes. 9 Q. Tell us about that. 10 A. Okay. So -- 11 MS. JONES: Just object to the question as 12 a narrative. 13 Go ahead. 14 THE WITNESS: So I have talked to parents, 15 three of them, their names are here, whose kids have 16 committed suicide because of experiencing intense 17 distress through Instagram. So it kind of narrowed 18 that conversations to that. 19 And the things I found in common in 20 talking to them was that they didn't know this was 21 happening to their kids. They were pretty on top of 22 the kids' usage but kids had secret accounts on 23 their phones that they got bullied in. That it got 24 to the point where their kids took their own lives 25 in a way they think is preventable.</p>	<p style="text-align: right;">Page 305</p> <p>1 Q. In all of your work, have you ever seen in 2 any other place as much bullying that goes on on 3 Instagram? 4 MS. JONES: Objection. Foundation. Form. 5 THE WITNESS: No. I have not seen as much 6 bullying in other environments as I have seen in 7 Instagram. I believe that the way the product is 8 designed facilitates bullying, which would be okay 9 if they can -- if they did have effective measures 10 to help with that. So then they wouldn't be 11 experiencing it as much. But the fact that they 12 don't, exacerbates the problem and the harm that 13 comes from it. 14 BY MR. CARTMELL: 15 Q. Have you ever seen Meta warn parents or 16 the public about the risk of bullying that can lead 17 to problems with mental well-being or suicide? 18 A. I have not. 19 Q. Do you think they should warn parents of 20 that? 21 A. Absolutely. 22 Q. And do they know if Meta -- inside Meta 23 that there is frequent bullying on Instagram? 24 MS. JONES: Objection to the form. And 25 foundation.</p>

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<p style="text-align: right;">Page 306</p> <p>1 THE WITNESS: Yes, they do.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. Let's pull up quickly some other results</p> <p>4 and then I want to go to another page.</p> <p>5 But if you look at "negative comparison,"</p> <p>6 there's 21 percent for 13- to 15-year-olds and</p> <p>7 almost 20 percent for 16- to 17-year-olds.</p> <p>8 Do you see that?</p> <p>9 A. I do, yes.</p> <p>10 Q. We haven't talked a lot about negative</p> <p>11 comparison. What is negative comparison?</p> <p>12 A. Negative comparison is when somebody feels</p> <p>13 worse about themselves because a post they saw by</p> <p>14 somebody else on Instagram.</p> <p>15 Q. And this is about one in every five teen</p> <p>16 in those age groups is having that on Instagram</p> <p>17 within a week, right?</p> <p>18 A. That's correct.</p> <p>19 Q. Sometimes many times within a week,</p> <p>20 correct?</p> <p>21 A. That is correct.</p> <p>22 Q. Let's look at "nudity" and "unwanted</p> <p>23 advances."</p> <p>24 Both, Jim, if you would, please.</p> <p>25 For "nudity," for the teenagers, it's</p>	<p style="text-align: right;">Page 308</p> <p>1 Q. Did all this data that Meta was getting at</p> <p>2 this time concern you deeply about harms that could</p> <p>3 be happening on Instagram?</p> <p>4 MS. JONES: Objection.</p> <p>5 Excuse me.</p> <p>6 Objection to the form. And foundation.</p> <p>7 Go ahead.</p> <p>8 THE WITNESS: Absolutely. This was -- I</p> <p>9 thought the data was staggering and that it was</p> <p>10 critical as soon as reasonably possible to bring it</p> <p>11 to the attention of the executive team.</p> <p>12 MR. CARTMELL: Let's pull up "self-harm"</p> <p>13 and "violence," please.</p> <p>14 Q. Looks like for self-harm for the</p> <p>15 teenagers, 8.4 percent for 13- to 15-year-olds and</p> <p>16 7.2 percent for 16- to 17-year-olds?</p> <p>17 A. That is correct.</p> <p>18 Q. And if we -- strike that.</p> <p>19 If you did actually extrapolate this data</p> <p>20 that was statistically significant to the community,</p> <p>21 could that be tens of millions of kids?</p> <p>22 MS. JONES: Objection to the form. Lacks</p> <p>23 foundation.</p> <p>24 THE WITNESS: Correct. I mean, the thing</p> <p>25 about these numbers is that it's so important to</p>
<p style="text-align: right;">Page 307</p> <p>1 about one in five within a week that had</p> <p>2 experienced. And we looked at the question, right,</p> <p>3 related to that. Do you recall what the question</p> <p>4 is?</p> <p>5 A. Yeah. In the last seven days, did you see</p> <p>6 nudity or unwanted sexual content on Instagram.</p> <p>7 Q. Okay. "Unwanted advances."</p> <p>8 Let's pull up the actual questions, Jim,</p> <p>9 if you don't mind. It's dot 5. Okay.</p> <p>10 So for "Unwanted advances," the question</p> <p>11 was, it's up there on the right, in the questions,</p> <p>12 "Have you ever received unwanted sexual advances on</p> <p>13 Instagram?"</p> <p>14 What was the actual response rate for that</p> <p>15 for the teenagers?</p> <p>16 A. So for 13- to 15-year-olds, 13 percent,</p> <p>17 one in eight said yes in the last seven days.</p> <p>18 Q. Did you have personal, actual experience</p> <p>19 with that with your daughter?</p> <p>20 A. Yes, I did.</p> <p>21 Q. One in eight within the last seven days</p> <p>22 and some had multiple; is that right?</p> <p>23 A. That is correct.</p> <p>24 Q. Did that concern you?</p> <p>25 A. Absolutely.</p>	<p style="text-align: right;">Page 309</p> <p>1 keep in mind when you look at them, is that behind</p> <p>2 each number there's a person, like a kid, and if you</p> <p>3 are saying that one in eight kids on Instagram got</p> <p>4 unwanted sexual advances in the last seven days,</p> <p>5 that is a staggering amount of kids.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. And the question is, for self-harm, "Have</p> <p>8 you ever seen someone harm themselves, or threaten</p> <p>9 to do so, on Instagram?" Is that right?</p> <p>10 A. That's correct.</p> <p>11 Q. And seeing that as a 13- to 15-year-old or</p> <p>12 even a 16- to 17-year-old, in your experience of</p> <p>13 30 years as a child safety expert online, can that</p> <p>14 cause harm to kids?</p> <p>15 MS. JONES: Objection to the form.</p> <p>16 Foundation.</p> <p>17 THE WITNESS: It can. And for the parents</p> <p>18 of the kids that I've spoken to who committed</p> <p>19 suicide due to exposure to that kind of content at</p> <p>20 a -- a kid at a vulnerable moment it might plant the</p> <p>21 idea of committing suicide.</p> <p>22 (Whereupon, a brief discussion off the</p> <p>23 record.)</p> <p>24 THE WITNESS: For a kid who's experiencing</p> <p>25 a vulnerable moment seeing content like this might</p>

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<p style="text-align: right;">Page 310</p> <p>1 plant the seed about them committing suicide. 2 BY MR. CARTMELL: 3 Q. You saw the NES survey before this. But 4 did you know the extent of the actual harms or 5 harmful experiences to kids prior to seeing this 6 data? 7 A. I did not. 8 Q. And Meta didn't know that either, did it? 9 MS. JONES: Objection. Foundation. 10 MR. CARTMELL: Let me restate it. 11 Q. Did Meta know the extent of the actual 12 harmful experiences that kids were having on 13 Instagram prior to this BEEF survey data in June and 14 July of 2021? 15 A. Not as far as I knew. 16 MS. JONES: Excuse me. 17 Same objection to foundation. 18 THE WITNESS: Not as far as I knew. 19 BY MR. CARTMELL: 20 Q. And they -- did they know, though, from 21 the NES survey that there was a lot of harm? 22 A. That is correct. 23 MS. JONES: Excuse me. 24 Note my objection. Also lacks foundation. 25 ///</p>	<p style="text-align: right;">Page 312</p> <p>1 THE WITNESS: That is correct. If you 2 have somebody who is looking at, like, body image 3 content, many times in the last seven days and they 4 are very distressed about it, then it's critical 5 that you do the work to understand that and address 6 that. 7 BY MR. CARTMELL: 8 Q. Let's look at some examples of this, but 9 for nudity. If you look at that, it looks like the 10 overall rate was 16.3 percent. And of that 11 16.3 percent, 82 percent of them experienced nudity 12 more than once, correct? 13 A. Correct. 14 Q. And some as many as ten times in a week? 15 A. Correct. I mean, when you look at this, 16 it's really important to look at 2 to 3, 6 to 9 but 17 then the ten-plus column is very important. 18 Q. If you look at self-harm, for instance, 19 tell us about that. 20 A. Yeah. So what you are seeing here is of 21 the people who reported seeing the kind of content 22 of self-harm that was covered by the question, 23 33 percent saw it once. 38 percent reported seeing 24 it two to three times. And you go through where you 25 get to 11 percent of them saw it over ten times.</p>
<p style="text-align: right;">Page 311</p> <p>1 BY MR. CARTMELL: 2 Q. Let's go to slide 11 that talks about 3 frequency. 4 The BEEF survey actually asked about the 5 frequency of each of these bad experiences in the 6 last seven days; is that right? 7 A. That is correct. 8 Q. And why don't you go ahead and tell us the 9 relevance of this information. 10 MS. JONES: Objection. Calls for a 11 narrative. 12 Go ahead. 13 THE WITNESS: So in order to understand 14 sort of how -- how many people experience these 15 things and how frequently they do, meaning, if you 16 do this in the last seven days, and if so, like, 17 approximately how many times, because that kind of 18 frequency information, especially combined with 19 intensity, is incredibly important to establish the 20 harm. 21 BY MR. CARTMELL: 22 Q. Can that help the company know just how 23 severe the harm is? 24 MS. JONES: Objection to the form. Lacks 25 foundation.</p>	<p style="text-align: right;">Page 313</p> <p>1 Q. In one week? 2 A. In one week, right. And that's a giant 3 red flag. 4 Q. What about negative self -- strike that. 5 What about negative social comparison? 6 A. Yeah. So then you look, like, two or 7 three times 40 percent, again, of the people who 8 answered that question, 16 percent over ten times. 9 And I think when you talk about like a fire hose of 10 harmful content, that it's the ten-plus percent. 11 Q. What about unwanted sexual advances? 12 A. I'm sorry. I need to take a moment. It's 13 just I have to keep thinking of every kid that is 14 telling you this is what is happening to me. And to 15 look at some -- a kid that might have experienced 16 this two to three times, four to five times, six to 17 nine times, and then look at the percentages, it's 18 like ten-plus times, 8.4 percent of the people who 19 responded to this said that they experienced this 20 more than ten times in the last seven days, and like 21 40 percent more than once. If you look at the one 22 that says 33.5 percent, but of the people who 23 experienced this issue, 40 percent, two to three 24 times in the last seven days. 25 Q. Let's look at bullying target. That</p>

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<p style="text-align: right;">Page 314</p> <p>1 states that 8.1 percent of the respondents had been 2 the target of bullying, and it looks like 62 percent 3 of them had had been the target more than once in a 4 week, and nearly 12 percent had been the target of 5 bullying ten times or more in a week; is that right? 6 A. Yes. So 11.8 percent. And, again, this 7 is why intensity is so important, right, because 8 this might be somebody who is under a -- like, 9 sometimes kids gang up on each other, and it can get 10 pretty grim. And so yes, that number of 11 11.8 percent tells you somebody that experienced 12 this -- telling you they experienced this over ten 13 times in the last seven days. 14 Q. Does the ten-plus category, is that -- 15 does that suggest to you at all as a safety expert, 16 online safety expert, that the algorithm or Meta is 17 feeding or recommending these bad experiences? 18 MS. JONES: Objection to the form. 19 Foundation. 20 THE WITNESS: For nudity, negative 21 comparison, bully witness -- I'm not going to list 22 all of them, but for many of them, yes, it is -- 23 these experiences were delivered by Meta's 24 algorithm. 25 ///</p>	<p style="text-align: right;">Page 316</p> <p>1 A. Absolutely not. I -- I take the 2 responsibility of escalating something to an 3 executive incredibly seriously. I mean, my career 4 was built in part by doing that very well. And so 5 no, I thought this was critical, for the company to 6 look at this data and start addressing it. 7 And while there was data already in the 8 Negative Experiences Survey around teens 9 experiencing some of these issues, this to me, 10 because of the reach of the survey, the quality of 11 the instrument, the information gathered, felt like 12 something that was solid, that needed to be taken to 13 the executive team. And they believed that the 14 moment that they became aware of this data, they 15 would start acting on it to try and understand these 16 harms and to try and prevent these harms. 17 Q. Would you ever call these less severe bad 18 experiences? 19 A. Under no circumstances would I do that. 20 Q. Okay. I want to show you testimony from 21 Mr. Mosseri, and I want to ask you some questions 22 about it. 23 I'm going to hand you Exhibit 23, which is 24 the slipsheet for Mr. Mosseri's testimony. 25 (Whereupon, Meta-Bejar Exhibit 23 was</p>
<p style="text-align: right;">Page 315</p> <p>1 BY MR. CARTMELL: 2 Q. You said you were concerned about this 3 data. 4 Were the other members of the well-being 5 team concerned about this data as well? 6 A. Yes. 7 Q. What was your expectation once you 8 received this data and presented it to the 9 leadership and executives at the company that they 10 would do? 11 A. That they would immediately start the work 12 to address these harms. 13 Q. Did you think there was urgency? 14 A. Absolutely. 15 Q. Was there a question in your mind as a 16 30-year online safety expert whether this data 17 supported severe harm to kids on Instagram? 18 MS. JONES: Objection to the form. 19 THE WITNESS: There was no question in my 20 mind that this data illustrated harm, that kids most 21 importantly, but also everybody else who uses 22 Instagram was experiencing. 23 BY MR. CARTMELL: 24 Q. Did you think that the results or findings 25 from BEEF were no big deal?</p>	<p style="text-align: right;">Page 317</p> <p>1 marked for identification.) 2 (Video playing.) 3 MS. JONES: Before you ask your question, 4 let me object to the out-of-context play of 5 testimony that Mr. Bejar would have no basis to have 6 a view on. 7 Go ahead. 8 BY MR. CARTMELL: 9 Q. Did you ever tell Mr. Mosseri that the 10 BEEF bad experiences were much less severe? 11 A. No. I would never do that. 12 Q. What is your reaction to that? 13 A. I mean, I think it's minimizing the harm 14 that the BEEF survey brought to light and the harm 15 that is pretty much in every e-mail that I sent to 16 this topic to the executive team where I always talk 17 about high-intensity issues and how important it is 18 to address that and how issues that are not policy 19 violating can be as harmful as the ones that are. 20 And that's why it was so critical to do the work of 21 investing in the well-being team to understand these 22 issues and reduce them. 23 Q. Had your experience been at Meta from 2019 24 to 2021, when you were serving as the safety 25 consultant to the Instagram Well-Being team, that</p>

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<p style="text-align: right;">Page 318</p> <p>1 the leadership, the executives, were sort of 2 downplaying the severity of the nonviolative bad 3 experiences on Instagram? 4 MS. JONES: Objection to the form. Lacks 5 foundation. 6 THE WITNESS: My experience with members 7 of the executive team, including Adam Mosseri, Chris 8 Cox, and Sheryl Sandberg, was that they understood 9 the severity of these issues, and they thanked me 10 for bringing them to their attention. And I was -- 11 within my conversations with them, I did not get any 12 impression of them downplaying the severity that I 13 was communicating to them. 14 BY MR. CARTMELL: 15 Q. I want to look quickly at slide 13. We're 16 still on Exhibit 21. This is a slide that states: 17 Relationship between respondent and antagonist. 18 What does that mean? 19 A. You wanted to understand the relationship 20 between the person that had had the bad experience 21 or the harmful experience and the person who had 22 either created the content or had the contact. 23 Q. Okay. If you look at bullying target 24 here, for instance, 69.4 percent of them said that 25 they didn't know the antagonist who was bullying</p>	<p style="text-align: right;">Page 320</p> <p>1 A. So in the case of unwanted sexual 2 advances, Instagram is a directory of teenagers, and 3 often their profile photos are of themselves. And 4 it facilitates the sending of messages to teenagers. 5 So there is a message button that you can click. 6 And then you can make an unwanted sexual advance. 7 And then there is no category for the team to report 8 that issue to Instagram. So the only thing that the 9 teen can do is block. 10 But in the way that sort of these 11 recommendations algorithms work, right, it takes the 12 girls and matches them with the people who are 13 interested in content that is made by girls. And it 14 creates an environment, right, where there might be 15 a vulnerable teen here, an adult here, and they are 16 able to send a message. 17 In the case of nudity, if somebody creates 18 the kind of sexual content that we looked at, it is 19 Instagram's algorithm that is promoting it and 20 putting it into, like, Reels feed. And it's picking 21 that content. And that's how the teenager is 22 receiving that, and then all that comes with 23 receiving that. 24 In the case of bullying target, something 25 which my daughter experienced and I have seen</p>
<p style="text-align: right;">Page 319</p> <p>1 them. 2 Is that true? 3 A. That's correct. 4 Q. For nudity, it was 87.1 percent of the 5 people who -- I guess that's who produced that 6 nudity, they didn't know them; is that right? 7 A. That's correct. 8 Q. Unwanted sexual advances, it was 9 93.8 percent of the people who were making these 10 unwanted sexual advances, the respondent didn't know 11 that person. 12 Do you see that? 13 A. That's correct. 14 Q. What is the significance of these things 15 to you? 16 A. It means that they are experiencing these 17 issues from strangers and interactions facilitated 18 by the product design of Instagram. 19 Q. It's the design -- strike that. 20 Is it the design of the actual platform 21 that facilitates that? 22 MS. JONES: Objection. Form. Foundation. 23 THE WITNESS: That is correct. 24 BY MR. CARTMELL: 25 Q. Explain that, please, if you can.</p>	<p style="text-align: right;">Page 321</p> <p>1 significantly afterwards in my testing, you take 2 comments and the kind of comments that people do 3 with each other from a stranger, in the case of 4 public accounts, can be pretty staggering in terms 5 of how awful they are. 6 And my daughter came at me crying when she 7 was young and was experiencing this in the first 8 place. And then other people have similar 9 distressing experiences, many of them. 10 Q. Based on your time at Meta and your 11 experience in the industry, did Meta have the tools 12 and features that could be built to prevent those 13 things? 14 MS. JONES: Objection. Foundation. 15 THE WITNESS: Yes, they did. 16 BY MR. CARTMELL: 17 Q. And you were trying -- strike that. 18 Were you trying to get leadership and the 19 executives to build those types of safety features 20 and tools to prevent or substantially reduce those 21 types of harms on Instagram? 22 A. That is correct. My whole goal in 23 gathering this data and escalating it was to get 24 resourcing and support for the people working on 25 these issues.</p>

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<p style="text-align: right;">Page 322</p> <p>1 Q. Let's go back to page .6, please. This is 2 the questions about emotions that I want to ask you 3 again about. 4 And was your testimony that you believed 5 this was very important data to receive from this 6 survey from the users? 7 A. That's correct. 8 Q. You wanted information, I take it, from 9 the users about not only the emotion that they were 10 feeling but the frequency and the length of emotion 11 as well? 12 A. That is correct. 13 Q. And is that something that you had told 14 Mr. [REDACTED] you felt very strongly about that being 15 information included in this survey? 16 A. That is correct. 17 Q. Okay. And Mr. Mosseri said that, you saw 18 in his testimony, that you had said to him that this 19 was less severe or much less severe, correct? 20 A. Correct. 21 Q. If we wanted to see how severe these harms 22 were, we might look at the data from the responses 23 to the frequency -- or excuse me -- to -- strike 24 that. 25 If we wanted to see how severe these</p>	<p style="text-align: right;">Page 324</p> <p>1 Is that Dr. [REDACTED] 2 A. Yeah, that is. 3 (Video playing.) 4 BY MR. CARTMELL: 5 Q. Mr. Bejar -- 6 MS. JONES: Excuse me, Counsel. Let me 7 note my objection to playing this video out of 8 context, and Mr. Bejar does not have a foundation to 9 offer testimony. 10 Go ahead. 11 BY MR. CARTMELL: 12 Q. Mr. Bejar, were you ever told that the 13 emotions data, including the data related to how 14 long the emotion lasted, was destroyed? 15 MS. JONES: Objection to the 16 characterization. Foundation. 17 MR. CARTMELL: I'll restate it. 18 Q. Mr. Bejar, were you ever told at any time 19 while you were at Meta that the data from the BEEF 20 survey related to emotions, including the length of 21 time of the emotions, was deleted? 22 MS. JONES: Same objection. 23 THE WITNESS: I was not. 24 BY MR. CARTMELL: 25 Q. Were you ever told that the data was not</p>
<p style="text-align: right;">Page 323</p> <p>1 harmful experiences or bad experiences of BEEF were, 2 we might look at the data from the specific emotion 3 felt and the length of emotional reaction? 4 MS. JONES: Objection to the form. 5 BY MR. CARTMELL: 6 Q. Is that true? 7 A. That's true. 8 MS. JONES: Excuse me. And foundation. 9 BY MR. CARTMELL: 10 Q. I'll restate it. 11 What would you look at if you as a safety 12 expert wanted to determine how severe the bad 13 experiences were that kids were experiencing in this 14 survey? 15 A. I would look at emotion felt, period of 16 time, just intensity information. 17 Q. Okay. So that data that was received, in 18 your mind, would that be very important to know? 19 A. Absolutely. 20 (Whereupon, Meta-Bejar Exhibit 24 was 21 marked for identification.) 22 BY MR. CARTMELL: 23 Q. I'll play you a clip from Dr. [REDACTED] and 24 then I'm going to ask you questions. I have handed 25 you the slipsheet from his testimony in this case.</p>	<p style="text-align: right;">Page 325</p> <p>1 analyzed? 2 A. I was not. 3 Q. I noticed that the emotions data that was 4 supposed to be asked about is not in this PowerPoint 5 presentation that provides the findings from the 6 BEEF survey, is it? 7 A. That's correct. 8 Q. What is your reaction to a company that 9 tells its researchers to delete data that is 10 important related to emotions of their users? 11 MS. JONES: Objection. Foundation. And 12 characterization of the record. 13 THE WITNESS: It is a company who doesn't 14 want to know the harm that people are experiencing 15 on its platform, in particular teens. And it is a 16 company that doesn't want to know the data necessary 17 to prioritize the work that is needed in terms of 18 the harm that teens are experiencing. 19 BY MR. CARTMELL: 20 Q. In your experience at Meta from '19 to 21 '21, when you were working as their safety expert, 22 did you have the experience that they did not want 23 to know the severity of the emotions or the severity 24 of the harms that were going on on Instagram? 25 MS. JONES: Objection to the form. Lacks</p>

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<p style="text-align: right;">Page 326</p> <p>1 foundation.</p> <p>2 THE WITNESS: No, I wasn't aware of it at</p> <p>3 the time. Had I become aware of, like, of that data</p> <p>4 not being studied or pursued, I would have, like,</p> <p>5 immediately escalated that to -- all the way through</p> <p>6 the top of the company, because I think it is both</p> <p>7 essential to doing the work to understand the</p> <p>8 severity of issues, and it's ethically inappropriate</p> <p>9 to -- to not follow through on understanding the</p> <p>10 harms that people are experiencing, in particular</p> <p>11 teenagers.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. If a social media company like Meta has a</p> <p>14 survey that is asking about the harms or potential</p> <p>15 harms and bad experience to its users and it deletes</p> <p>16 the severity data and doesn't analyze it, do you</p> <p>17 think that's reckless?</p> <p>18 MS. JONES: Excuse me. Foundation.</p> <p>19 Mischaracterization of the record.</p> <p>20 THE WITNESS: I think it's -- I think it's</p> <p>21 beyond reckless.</p> <p>22 BY MR. CARTMELL:</p> <p>23 Q. Did Mr. Mosseri ever see that data? Do</p> <p>24 you know?</p> <p>25 A. Not as far as I know.</p>	<p style="text-align: right;">Page 328</p> <p>1 Q. Had that internal data showed you and</p> <p>2 others at Meta that, in fact, there was harm to kids</p> <p>3 in that respect?</p> <p>4 MS. JONES: Objection. Foundation.</p> <p>5 THE WITNESS: Absolutely.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. And that was internal data that -- strike</p> <p>8 that.</p> <p>9 Was that internal data that Meta was not</p> <p>10 sharing with the public?</p> <p>11 MS. JONES: Objection. Foundation.</p> <p>12 THE WITNESS: That is correct.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. After Frances Haugen leaked or made public</p> <p>15 the research showing the harm to kids, did Meta lock</p> <p>16 down the research that they -- strike that.</p> <p>17 MS. JONES: I apologize.</p> <p>18 MR. CARTMELL: That's okay. I'll start</p> <p>19 over.</p> <p>20 Q. After Frances Haugen made public the</p> <p>21 internal research related to harms to kids on Meta's</p> <p>22 apps, did Meta actually lock down internally the</p> <p>23 research around harms to users?</p> <p>24 MS. JONES: Objection. Foundation.</p> <p>25 THE WITNESS: That is correct.</p>
<p style="text-align: right;">Page 327</p> <p>1 Q. Was this BEEF data that came from the</p> <p>2 survey coming out in its final form from Dr. [REDACTED]</p> <p>3 at a time when the company was under a lot of</p> <p>4 scrutiny?</p> <p>5 A. Yes, it was.</p> <p>6 Q. What was the scrutiny that the company was</p> <p>7 under at the time that this BEEF data was coming out</p> <p>8 and being put in final form by Dr. [REDACTED]</p> <p>9 A. There were a series of articles beginning</p> <p>10 to be published around something called the Facebook</p> <p>11 files that was a series of internal documentation,</p> <p>12 and that's also when Frances Haugen began talking</p> <p>13 about her experience.</p> <p>14 Q. Who is Frances Haugen?</p> <p>15 A. She used to be a product manager within, I</p> <p>16 believe, the civic integrity team and then spoke out</p> <p>17 publicly against the company about a series of very</p> <p>18 important issues.</p> <p>19 Q. What did she reveal?</p> <p>20 A. One of the things that came out in the</p> <p>21 Facebook files was research done by the team I was a</p> <p>22 part of around body image issues and other forms of</p> <p>23 harm that teenagers were experiencing. And that was</p> <p>24 one of the things that she spoke about and helped</p> <p>25 bring to light.</p>	<p style="text-align: right;">Page 329</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Do you know whether or not the company</p> <p>3 destroyed the BEEF emotions data because the company</p> <p>4 was under scrutiny related to Frances Haugen's leak</p> <p>5 of research to the public?</p> <p>6 MS. JONES: Objection. Foundation.</p> <p>7 THE WITNESS: I don't know that.</p> <p>8 BY MR. CARTMELL:</p> <p>9 Q. Let me wrap this up. But if Meta asked</p> <p>10 Kyle [REDACTED] to delete the emotions data from the</p> <p>11 BEEF survey, what, if anything, does that tell you</p> <p>12 about the safety as a priority for Meta?</p> <p>13 MS. JONES: Objection. Foundation.</p> <p>14 Mischaracterizes the evidence.</p> <p>15 Go ahead.</p> <p>16 THE WITNESS: That safety is not a</p> <p>17 priority, that the harm that teens are experiencing</p> <p>18 and how bad it is is something to be hidden or</p> <p>19 removed, that things that parents and everybody</p> <p>20 should know about the reality of a harming place on</p> <p>21 Instagram, that that is something that Meta doesn't</p> <p>22 want people to know.</p> <p>23 BY MR. CARTMELL:</p> <p>24 Q. Were any of the BEEF survey findings made</p> <p>25 public by Meta?</p>

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<p style="text-align: right;">Page 330</p> <p>1 A. They were not.</p> <p>2 Q. Do you believe Meta should have made the</p> <p>3 BEEF survey findings available to the public?</p> <p>4 A. Absolutely.</p> <p>5 Q. Including parents?</p> <p>6 A. Parents need to know. Yes, including</p> <p>7 parents. Absolutely. So important. I cannot</p> <p>8 stress this enough. How do you know what goes on</p> <p>9 when you hand your kid the phone and you help them</p> <p>10 install the app. How are you going to know what</p> <p>11 they are going to experience without this data. You</p> <p>12 are blindfolded as a parent.</p> <p>13 Q. You talked earlier today about the</p> <p>14 importance of transparency; is that correct?</p> <p>15 A. That is correct.</p> <p>16 Q. Can sharing research like these BEEF</p> <p>17 results and findings be -- and being transparent</p> <p>18 with the public and parents help reduce harm to kids</p> <p>19 on Instagram?</p> <p>20 A. Yes, it's absolutely essential.</p> <p>21 Q. Do you believe that Meta's lack of</p> <p>22 transparency by failing to inform the public of its</p> <p>23 research, like BEEF, has contributed to harms to</p> <p>24 kids on Instagram?</p> <p>25 MS. JONES: Objection. Foundation.</p>	<p style="text-align: right;">Page 332</p> <p>1 Q. They never have, have they?</p> <p>2 A. No.</p> <p>3 Q. Instead, what do they put on the website,</p> <p>4 the Transparency website?</p> <p>5 A. They put these prevalence numbers that</p> <p>6 keep saying a fraction of a percent experience this.</p> <p>7 It's so low. And, in effect, they mislead parents</p> <p>8 and, you know, the rest of the world as to what is</p> <p>9 the actual unfolding of harm on Instagram.</p> <p>10 MR. CARTMELL: I'm going to hand you</p> <p>11 Exhibit 25.</p> <p>12 (Whereupon, Meta-Bejar Exhibit 25 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. CARTMELL:</p> <p>15 Q. Exhibit 25 is a page from the Transparency</p> <p>16 website at Meta.</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. And it has on it some prevalence data.</p> <p>20 Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. Does Meta publish prevalence data for all</p> <p>23 of the -- if you blow that up a little bit, Jim --</p> <p>24 all of the categories of bad experiences on the</p> <p>25 left?</p>
<p style="text-align: right;">Page 331</p> <p>1 THE WITNESS: Yes, absolutely.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. Can publishing data like this from the</p> <p>4 BEEF findings actually serve as a warning to kids</p> <p>5 and parents and the public that Instagram can lead</p> <p>6 to harmful experiences?</p> <p>7 MS. JONES: Objection. Foundation.</p> <p>8 THE WITNESS: Yes, it can. It helps you</p> <p>9 have an informed conversation with your kids about</p> <p>10 the things that they might be experiencing when they</p> <p>11 go online, and that's the least you can do as a</p> <p>12 parent.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. Meta does have a website that it has where</p> <p>15 it publishes -- strike that.</p> <p>16 Meta does have a website where it</p> <p>17 publishes what it calls safety data, correct?</p> <p>18 A. That's correct.</p> <p>19 Q. It's called the Transparency Center,</p> <p>20 correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Could Meta put this BEEF data and their</p> <p>23 internal research related to harms to kids on the</p> <p>24 Transparency website?</p> <p>25 A. They could and they should.</p>	<p style="text-align: right;">Page 333</p> <p>1 A. Well, for the -- it's not all the</p> <p>2 categories. It's some of the categories of bad</p> <p>3 experiences.</p> <p>4 Q. Are these the categories that Meta</p> <p>5 publishes prevalence data about?</p> <p>6 A. That is correct.</p> <p>7 Q. So, for example, adult nudity and sexual</p> <p>8 activity and bullying and harassment and the other</p> <p>9 list of bad experiences there on the left?</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. What we have here that is being</p> <p>12 displayed is the question for nudity. Let's go to</p> <p>13 that.</p> <p>14 A. Yeah.</p> <p>15 Q. The question for nudity is highlighted.</p> <p>16 Have you ever seen nudity or sexual images on</p> <p>17 Instagram that you didn't want to see?</p> <p>18 Do you see that?</p> <p>19 A. Yes, I do.</p> <p>20 Q. Okay. If we go to the BEEF data for</p> <p>21 nudity -- let's pull that out, Jim, if you would,</p> <p>22 please -- Meta's internal survey of 238,000 users</p> <p>23 states that 19 percent of 13- to 15-year-olds and</p> <p>24 18 percent 16-, 17-year-olds experience nudity in a</p> <p>25 week's time, correct?</p>

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<p style="text-align: right;">Page 334</p> <p>1 A. Correct. Multiple times.</p> <p>2 Q. And then if we look at what Meta puts on</p> <p>3 its website in the Transparency Center, let's look</p> <p>4 at that.</p> <p>5 How prevalent were adult nudity and sexual</p> <p>6 activity violations, and let's pull out that</p> <p>7 .02 percent. See what it says.</p> <p>8 It says .02 percent to .03 percent of</p> <p>9 views showed violating content. In other words,</p> <p>10 every 10,000 content views, an estimate of 2 to 3</p> <p>11 would contain adult nudity and sexual activity.</p> <p>12 Do you see that?</p> <p>13 A. I do, yes.</p> <p>14 Q. So on the left here is Meta's internal</p> <p>15 survey about bad experiences of 238,000 users,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. And we have 19.2 percent for 13- to</p> <p>19 15-year-olds. And on the right here we have what</p> <p>20 Meta puts on its website.</p> <p>21 Do you see that?</p> <p>22 MS. JONES: Let me object to the</p> <p>23 mischaracterization of the record.</p> <p>24 MR. CARTMELL: I'm not sure I got the</p> <p>25 question out. So I'm going to restate it.</p>	<p style="text-align: right;">Page 336</p> <p>1 to three one-hundredth percent is the prevalence of</p> <p>2 nudity that is reported to the public; is that</p> <p>3 correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And internally, what is reported to the</p> <p>6 company but not made public is the 19 percent and</p> <p>7 the 18 percent for teens, correct?</p> <p>8 MS. JONES: Objection to the</p> <p>9 characterization of the document.</p> <p>10 THE WITNESS: That is correct.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. What is the discrepancy there?</p> <p>13 A. The BEEF number tells you, like, that</p> <p>14 people are experiencing unwanted sexual activity and</p> <p>15 nudity on Instagram of kids one in five in the last</p> <p>16 seven days. More often than not, multiple times.</p> <p>17 And on the right it generates the</p> <p>18 impression that you're not going to get that kind of</p> <p>19 content recommended to you on Instagram. I mean, I</p> <p>20 think that that is the fundamental problem with the</p> <p>21 Transparency Center, is that I look at this as a</p> <p>22 parent and somebody who has worked in the field and</p> <p>23 I think, oh, yeah, it's very unlikely that my kids</p> <p>24 are going to be getting any of the stuff. Things</p> <p>25 are good.</p>
<p style="text-align: right;">Page 335</p> <p>1 MS. JONES: I knew where you are going,</p> <p>2 but go ahead. I will say it again.</p> <p>3 MR. CARTMELL: You can say it again.</p> <p>4 Q. On the right side we have what Meta puts</p> <p>5 on the Transparency Center, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Are those numbers two one-hundredths of a</p> <p>8 percent to three one-hundredths of a percent,</p> <p>9 meaning the amount of adult nudity and sexual</p> <p>10 activity on the website, Instagram?</p> <p>11 MS. JONES: Objection to the form.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. Strike that.</p> <p>14 Does the .02 percent to .03 percent mean</p> <p>15 the amount of nudity and sexual activity on</p> <p>16 Instagram?</p> <p>17 MS. JONES: Objection to the form and the</p> <p>18 characterization.</p> <p>19 THE WITNESS: It does not.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. What does it mean?</p> <p>22 A. It means that that these are the number --</p> <p>23 of 10,000 pieces of content, there were two or three</p> <p>24 that contained adult nudity or sexual activity.</p> <p>25 Q. I see. So two one-hundredths of a percent</p>	<p style="text-align: right;">Page 337</p> <p>1 But the reality is what's on the left,</p> <p>2 right. And so like prevalence is sort of grade your</p> <p>3 own homework version of harm where they are looking</p> <p>4 under the light but what's actually happening in the</p> <p>5 bushes is what BEEF captures and what's happening in</p> <p>6 the bushes is what people are experiencing.</p> <p>7 Q. In your opinion as an online child safety</p> <p>8 expert for 30 years, do you believe it's appropriate</p> <p>9 for Meta to publish the prevalence data on the right</p> <p>10 without publishing their internal data related to</p> <p>11 the actual bad experiences that are occurring on</p> <p>12 Instagram?</p> <p>13 MS. JONES: Objection. Foundation.</p> <p>14 THE WITNESS: I believe it's inappropriate</p> <p>15 for them to do that because I think it's very</p> <p>16 misleading.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. And how long has Instagram been doing</p> <p>19 this -- strike that.</p> <p>20 How long has Meta been doing this,</p> <p>21 publishing prevalence data without their internal</p> <p>22 research?</p> <p>23 MS. JONES: Objection. Foundation.</p> <p>24 THE WITNESS: I don't recall when the</p> <p>25 Transparency Center was initially published and when</p>

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<p style="text-align: right;">Page 338</p> <p>1 they started reporting Instagram data as part of the 2 Transparency Center. 3 MR. CARTMELL: I'm going to hand you 4 Exhibit 26. 5 (Whereupon, Meta-Bejar Exhibit 26 was 6 marked for identification.) 7 BY MR. CARTMELL: 8 Q. Exhibit 26 is another document from the 9 Transparency Center that's talking about "How 10 prevalent were bullying and harassment violations?" 11 Do you see that? 12 A. I do, yes. 13 Q. And if you look at this, this is July to 14 September 2021. 15 Do you see that? 16 A. Yes. 17 Q. That's the same time period when the BEEF 18 data came out, isn't it? 19 A. Yes, that's correct -- well, that's -- 20 yeah, that's the same data, the same time during 21 which the BEEF research was done. 22 Q. Okay. Let's look at and compare what Meta 23 is telling the public on its Transparency Center 24 about bullying and harassment versus what they know 25 internally, okay?</p>	<p style="text-align: right;">Page 340</p> <p>1 right? 2 A. That's correct. 3 Q. And that is data that came from the BEEF 4 study, the results came out in September of 2021, 5 right? 6 A. That is correct. That is data when you 7 ask somebody have you experienced one or more of 8 these things, the answer was yes in the last seven 9 days. 10 Q. And during that same time period, what was 11 Meta telling the public, including parents, on the 12 Transparency Center website? 13 MS. JONES: Object to the 14 mischaracterization of the document. 15 THE WITNESS: That the prevalence of 16 bullying and harassment violations was .05 to 17 .06 percent of 10,000 content views, five or six of 18 them would contain bullying and harassment. 19 BY MR. CARTMELL: 20 Q. Does that prevalence metric that Meta 21 publishes on its Transparency Center website have 22 anything to do with the actual harm or bad 23 experiences that are occurring to kids on Instagram? 24 MS. JONES: Objection to the form. 25 THE WITNESS: It does not.</p>
<p style="text-align: right;">Page 339</p> <p>1 A. Correct. Yes. 2 Q. Okay. We have here a question about 3 bullying. What is the question? 4 A. "Have you ever seen anyone do any of these 5 things to someone else on Instagram? Insult or 6 disrespect them. Contact them in an inappropriate 7 way. Damage their reputation. Threaten them. 8 Exclude them or leave them out." 9 Q. And as far as the internal data from the 10 BEEF study, bully target, you can see down here, has 11 8.1 percent, overall 10 percent for 13 to 15, and 12 9 percent for 16 to 17; is that right? 13 A. That is right. Though we just covered the 14 question for bully witness. 15 Q. Oh, I'm sorry. Let's -- let's go to bully 16 witness. 17 Bully witness results from the internal 18 BEEF study were 28 percent overall, 27 percent for 19 13 to 15, and 29 percent for 16 to 17; is that 20 correct? 21 A. That's correct. Approximately one in 22 three. 23 Q. Okay. And then bully target, if we go 24 down, the results there are 8 percent, 10.8 percent 25 for 13 to 15, and 9.7 percent for 16 to 17; is that</p>	<p style="text-align: right;">Page 341</p> <p>1 BY MR. CARTMELL: 2 Q. Do you think that parents should have been 3 warned about the data internally and the frequency 4 of bullying, as well as receiving the prevalence 5 data that they put on their transparency website? 6 A. Yes, absolutely. 7 MR. CARTMELL: Let's look at Exhibit 27. 8 (Whereupon, Meta-Bejar Exhibit 27 was 9 marked for identification.) 10 (Whereupon, a brief discussion off the 11 record.) 12 BY MR. CARTMELL: 13 Q. Exhibit 27, the prevalence states, "How 14 prevalent were child endangerment violations?" And 15 it says, "We cannot estimate prevalence for child 16 endangerment right now. We will continue to expand 17 prevalence measurement to more areas as we confirm 18 accuracy and meaningful data." 19 Do you see that? 20 A. I do, yes. 21 Q. And this is from the same time period as 22 the BEEF data, correct? 23 A. Correct. 24 Q. And if you look at what the company Meta 25 knew internally about unwanted advances, what do</p>

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<p style="text-align: right;">Page 342</p> <p>1 they know?</p> <p>2 A. When they ask kids "Have you ever received</p> <p>3 unwanted sexual advances on Instagram," 13 percent,</p> <p>4 one in eight of 13- to 15-year-olds said yes in the</p> <p>5 last seven days. And 14 percent --</p> <p>6 (Whereupon, a brief discussion off the</p> <p>7 record.)</p> <p>8 THE WITNESS: 14.1 percent of 16- to</p> <p>9 17-year-olds said yes in the last seven days.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. So publicly Meta tells parents and others</p> <p>12 that they don't have any data, but internally they</p> <p>13 have the data you just described?</p> <p>14 MS. JONES: Objection to the</p> <p>15 characterization of the evidence. And foundation.</p> <p>16 THE WITNESS: Yes, they do.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. Publicly Meta tells parents and others</p> <p>19 that they don't have currently any data on how</p> <p>20 prevalent child endangerment violations were, but</p> <p>21 internally in the BEEF study, they have results of</p> <p>22 unwanted sexual advances?</p> <p>23 A. That's correct.</p> <p>24 Q. Do you believe it was appropriate for them</p> <p>25 to not provide that data to the public?</p>	<p style="text-align: right;">Page 344</p> <p>1 survey, okay?</p> <p>2 A. Correct.</p> <p>3 Q. On its website from September of 2000 --</p> <p>4 or the third quarter of 2021, Meta tells the public</p> <p>5 when asked how prevalent suicide and self-injury</p> <p>6 violations are, "Views of violating content that</p> <p>7 contains suicide and self-injury are very</p> <p>8 infrequent, and we remove much of this content</p> <p>9 before people see it. As a result, many times we do</p> <p>10 not find enough violating samples to precisely</p> <p>11 estimate prevalence."</p> <p>12 Do you see that?</p> <p>13 A. Yes, I do.</p> <p>14 Q. So once again, on the transparency website</p> <p>15 for Meta, there's no data for this category, being</p> <p>16 suicide and self-injury.</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. And if you look at what Meta knew</p> <p>20 internally from the BEEF survey related to the</p> <p>21 frequency that users reported of self-harm, it was</p> <p>22 8.4 percent for 13- to 15-year-olds, 7.2 percent for</p> <p>23 16- and 17-year-olds.</p> <p>24 MS. JONES: Objection to the</p> <p>25 characterization.</p>
<p style="text-align: right;">Page 343</p> <p>1 MS. JONES: Objection. Characterization.</p> <p>2 THE WITNESS: I think it was extremely</p> <p>3 inappropriate.</p> <p>4 MR. CARTMELL: What time is it?</p> <p>5 MR. WARD: I think --</p> <p>6 MR. CARTMELL: I think it's a decent time</p> <p>7 to take a break. Let me do one more, one more real</p> <p>8 quickly.</p> <p>9 MR. WARD: Okay.</p> <p>10 MR. CARTMELL: It will take 12 minutes. I</p> <p>11 promise. Don't hold me to it.</p> <p>12 (Whereupon, Meta-Bejar Exhibit 28 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. CARTMELL:</p> <p>15 Q. I'm handing you Exhibit 28, Mr. Bejar,</p> <p>16 which is a page from Meta's website for the</p> <p>17 community standards enforcement reports. And it is</p> <p>18 a statement about the prevalence of suicide and</p> <p>19 self-injury violations on Instagram.</p> <p>20 Do you see that?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Let's compare what Meta puts on its public</p> <p>23 transparency website about suicide and self-injury</p> <p>24 violence and the prevalence of that compared to what</p> <p>25 they knew from their internal data from the BEEF</p>	<p style="text-align: right;">Page 345</p> <p>1 THE WITNESS: That's correct.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. The question was, "Have you ever seen</p> <p>4 someone harm themselves, or threaten to do so, on</p> <p>5 Instagram?" Is that right?</p> <p>6 A. That's correct.</p> <p>7 Q. So no data according to their published</p> <p>8 website, but internally they know that there's</p> <p>9 millions of kids who are suffering from or reporting</p> <p>10 that they have seen self-harm?</p> <p>11 MS. JONES: Objection. Foundation.</p> <p>12 Mischaracterizes.</p> <p>13 THE WITNESS: That's correct. I mean,</p> <p>14 think about every 13- to 15-year-old kid, or</p> <p>15 younger, that is on Instagram and what is</p> <p>16 8.4 percent of them. How many times did they see</p> <p>17 it. What did it do to them.</p> <p>18 So it's no surprise when you've heard</p> <p>19 about teens like Molly Russell or other kids that</p> <p>20 have committed suicide after experiencing thousands</p> <p>21 of pieces of this kind of content.</p> <p>22 And so that 8.4 percent, I think in my</p> <p>23 mind, it means it's urgent to go investigate what</p> <p>24 that content is, how much of it are you recommending</p> <p>25 to teenagers, and to change the recommendation</p>


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<p style="text-align: right;">Page 346</p> <p>1 algorithms so that you do not recommend this to a 2 teenager on any surface. 3 MS. JONES: Excuse me, Counsel. 4 I'm going to object to the nonresponsive 5 narrative answer. 6 BY MR. CARTMELL: 7 Q. This time period is in September of 2021, 8 right? 9 A. That is correct. 10 Q. Do you think Meta should have taken those 11 measures you just stated much earlier than that? 12 A. Absolutely. 13 Q. You think that Meta should have told 14 parents and the public about the risk of harm from 15 self -- suicide and self-injury content on 16 Instagram? 17 A. Absolutely. 18 Q. They should have warned about that; do you 19 believe? 20 A. Absolutely. 21 Q. Was it well-known among the well-being 22 team at Meta and others that suicide and self-injury 23 and self-harm content was easily accessed on 24 Instagram by kids? 25 MS. JONES: Objection. Foundation.</p>	<p style="text-align: right;">Page 348</p> <p>1 INSTRUCTIONS TO WITNESS 2 3 Please read your deposition over carefully 4 and make any necessary corrections. You should 5 state the reason in the appropriate space on the 6 errata sheet for any corrections that are made. 7 After doing so, please sign the errata 8 sheet and date it. 9 You are signing same subject to the 10 changes you have noted on the errata sheet, which 11 will be attached to your deposition. 12 It is imperative that you return the 13 original errata sheet to the deposing attorney 14 within thirty (30) days of receipt of the deposition 15 transcript by you. If you fail to do so, the 16 deposition transcript may be deemed to be accurate 17 and may be used in court. 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 347</p> <p>1 THE WITNESS: Yes, it was. 2 MR. CARTMELL: Why don't we break for 3 tonight if it's okay for you. 4 THE VIDEOGRAPHER: Time is 6:43. We're 5 off the record. 6 (Whereupon, the deposition was adjourned 7 at 6:43 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 349</p> <p>1 ERRATA SHEET 2 3 PAGE LINE CHANGE 4 _____ 5 REASON: _____ 6 PAGE LINE CHANGE 7 _____ 8 REASON: _____ 9 PAGE LINE CHANGE 10 _____ 11 REASON: _____ 12 PAGE LINE CHANGE 13 _____ 14 REASON: _____ 15 PAGE LINE CHANGE 16 _____ 17 REASON: _____ 18 PAGE LINE CHANGE 19 _____ 20 REASON: _____ 21 PAGE LINE CHANGE 22 _____ 23 REASON: _____ 24 25</p>

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<p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I, _____, do hereby certify</p> <p>6 that I have read the foregoing pages, and that the</p> <p>7 same is a correct transcription of the answers given</p> <p>8 by me to the questions therein propounded, except</p> <p>9 for the corrections or changes in form or substance,</p> <p>10 if any, noted in the attached Errata Sheet.</p> <p>11</p> <p>12</p> <p>13</p> <p>14 ARTURO BEJAR DATE</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 350</p>
<p>1 STATE OF CALIFORNIA)</p> <p>2 COUNTY OF YOLO)</p> <p>3 I, ELAINA BULDA-JONES, a Certified Shorthand</p> <p>4 Reporter of the State of California, duly authorized</p> <p>5 to administer oaths pursuant to Section 2025 of the</p> <p>6 California Code of Civil Procedure, do hereby</p> <p>7 certify that</p> <p>8 ARTURO BEJAR,</p> <p>9 the witness in the foregoing deposition, was by me</p> <p>10 duly sworn to testify the truth, the whole truth and</p> <p>11 nothing but the truth in the within-entitled cause;</p> <p>12 that said testimony of said witness was reported by</p> <p>13 me, a disinterested person, and was thereafter</p> <p>14 transcribed under my direction into typewriting and</p> <p>15 is a true and correct transcription of said</p> <p>16 proceedings.</p> <p>17 I further certify that I am not of counsel or</p> <p>18 attorney for either or any of the parties in the</p> <p>19 foregoing deposition and caption named, nor in any</p> <p>20 way interested in the outcome of the cause named in</p> <p>21 said deposition dated the _____ day of</p> <p>22</p> <p>23 </p> <p>24</p> <p>25 ELAINA BULDA-JONES, CSR 11720</p>	<p>Page 351</p>

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA
ADOLESCENT ADDICTION/
PERSONAL INJURY PRODUCTS MDL No. 3047
LIABILITY LITIGATION

-----/

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
COUNTY OF LOS ANGELES - SPRING STREET COURTHOUSE

COORDINATION PROCEEDING
SPECIAL TITLE [RULE 3.400]

SOCIAL MEDIA CASES Lead Case No.
-----/ 22STCV21355

This Document Relates To
STATE OF TENNESSEE, ex rel.
JONATHAN SKRMETTI,
ATTORNEY GENERAL and
REPORTER,
v.
META PLATFORMS, INC., and
INSTAGRAM, LLC.

-----/

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PURSUANT TO PROTECTIVE ORDER
VOLUME 2

VIDEO-RECORDED DEPOSITION OF ARTURO BEJAR

(Pages 352 through 751)

Held at Baker Botts

1001 Page Mill Road, Palo Alto, California

Tuesday, April 8, 2025

Stenographically reported by:

LORRIE L. MARCHANT, RMR, CRR, CCRR, CRC

California CSR No. 10523

Washington CSR No. 3318

Oregon CSR No. 19-0458

Texas CSR No. 11318

Job No.: MDLG 7222558

California Firm Registration No.: 48

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<p style="text-align: right;">Page 353</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 For the Plaintiffs:</p> <p>4 BY: TOM CARTMELL, ESQ.</p> <p>5 BY: JACK HYDE, ESQ.</p> <p>6 BY: KATHLEEN HUDNALL</p> <p>7 BY: MAUREEN MURPHY, ESQ. (VIA ZOOM)</p> <p>8 BY: LUCY MALONE (VIA ZOOM)</p> <p>9 BY: ANGELA PRIEST (VIA ZOOM)</p> <p>10 BY: ROB GROVES, ESQ. (VIA ZOOM)</p> <p>11 BY: TRICIA L. CAMPBELL, ESQ. (VIA ZOOM)</p> <p>12 BY: JONATHAN P. KIEFFER, ESQ. (VIA ZOOM)</p> <p>13 BY: LINDSEY SCARCELLO, ESQ. (VIA ZOOM)</p> <p>14 Wagstaff & Cartmell</p> <p>15 4740 Grand Avenue, Suite 300</p> <p>16 Kansas City, Missouri 64112</p> <p>17 816.701.1100</p> <p>18 Tcartmell@wcllp.com</p> <p>19 jhyde@wcllp.com</p> <p>20 BY: LEXI J. HAZAM, ESQ. (VIA ZOOM)</p> <p>21 Lieff, Cabraser, Heimann & Bernstein</p> <p>22 275 Battery Street, 29th Floor</p> <p>23 San Francisco, California 94111</p> <p>24 415.956.1000</p> <p>25 Lhazam@lchb.com</p> <p>BY: ALEXANDRA WALSH, ESQ. (VIA ZOOM)</p> <p>Anapol Weiss, LLP</p> <p>14 Ridge Square, NW, 3rd Floor</p> <p>Washington, DC 20016</p> <p>771.224.8065</p> <p>Awalsh@anapolweiss.com</p> <p>BY: GRACE QUINLAN, ESQ. (VIA ZOOM)</p> <p>BY: KIRK GOZA, ESQ. (VIA ZOOM)</p> <p>Goza & Honnold, LLC</p> <p>900 Nall Avenue, Suite 400</p> <p>Overland Park, Kansas 66207</p> <p>913.451.3433</p> <p>(Continued)</p>	<p style="text-align: right;">Page 355</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 For the Defendants Meta Platforms, Inc., f/k/a</p> <p>4 Facebook, Inc.; Facebook Holdings, LLC; Facebook</p> <p>5 Operations, LLC; Facebook Payments, Inc.; Facebook</p> <p>6 Technologies, LLC; Instagram, LLC; Sculus, Inc.;</p> <p>7 and Mark Elliot Zuckerberg:</p> <p>8 BY: MEREDITH MANDA, ESQ. (VIA ZOOM)</p> <p>9 BY: ALYSSA J. METCALF, ESQ. (VIA ZOOM)</p> <p>10 Davis Polk & Wardell LLP</p> <p>11 450 Lexington Avenue</p> <p>12 New York, New York 10017</p> <p>13 212.450.3563</p> <p>14 Meredith.manda@davispolk.com</p> <p>15</p> <p>16 For the State of Indiana:</p> <p>17 BY: CORINNE GILCHRIST, ESQ. (VIA ZOOM)</p> <p>18 Office of the Attorney General Todd Rokita</p> <p>19 302 W Washington Street, Suite 5</p> <p>20 Indianapolis, Indiana 46204</p> <p>21 317.232.6201</p> <p>22 Corinne.gilchrist@atg.in.gov</p> <p>23 For the State of New York:</p> <p>24 BY: NATHANIEL KOSSLYN, ESQ.</p> <p>25 Office of the Attorney General of New York</p> <p>28 Liberty Street</p> <p>New York, New York 10005</p> <p>800.771.7755</p> <p>Nathaniel.kosslyn@ag.ny.gov</p> <p>For the State of West Virginia:</p> <p>BY: ABBY CUNNINGHAM, ESQ. (VIA ZOOM)</p> <p>Office of the West Virginia</p> <p>Attorney General</p> <p>1900 Kanawha Boulevard, E</p> <p>Room 26</p> <p>Charleston, West Virginia 25305</p> <p>Abby.g.cunningham@wvago.gov</p> <p>(Continued)</p>
<p style="text-align: right;">Page 354</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 For the witness, Arturo Bejar:</p> <p>4 BY: MICHAEL W. WARD, ESQ.</p> <p>5 BY: CHINMAYI MANJUNATH, ESQ.</p> <p>6 Baker Botts LLP</p> <p>7 1001 Page Mill Road</p> <p>8 Building One, Suite 200</p> <p>9 Palo Alto, California 94304-1007</p> <p>10 650.739.7500</p> <p>11 Michael.ward@bakerbotts.com</p> <p>12 Chinmayi.manjunath@bakerbotts.com</p> <p>13 For the Defendants Meta Platforms, Inc., f/k/a</p> <p>14 Facebook, Inc.; Facebook Holdings, LLC; Facebook</p> <p>15 Operations, LLC; Facebook Payments, Inc.; Facebook</p> <p>16 Technologies, LLC; Instagram, LLC; Sculus, Inc.;</p> <p>17 and Mark Elliot Zuckerberg:</p> <p>18 BY: PHYLLIS A. JONES, ESQ.</p> <p>19 BY: CECILIA BOBBITT, ESQ.</p> <p>20 BY: PATRICK NUTTER, ESQ.</p> <p>21 BY: MARIAH K. WATSON, ESQ. (VIA ZOOM)</p> <p>22 BY: GAVIN JACKSON, ESQ. (VIA ZOOM)</p> <p>23 BY: HUNTER BJADEVICH, ESQ. (VIA ZOOM)</p> <p>24 BY: CONNOR KENNEDY, ESQ. (VIA ZOOM)</p> <p>25 BY: PAUL SCHMIDT, ESQ. (VIA ZOOM)</p> <p>Covington & Burling LLP</p> <p>One City Center</p> <p>850 Tenth Street, NW</p> <p>Washington, DC 20001-4956</p> <p>202.662.6000</p> <p>Pajones@cov.com</p> <p>BY: KATHRYN WALKER, ESQ. (VIA ZOOM)</p> <p>Bass Berry & Sims</p> <p>21 Platform Way South, Suite 3500</p> <p>Nashville, Tennessee 37203</p> <p>615.742.7855</p> <p>Kwalker@bassberry.com</p> <p>(Continued)</p>	<p style="text-align: right;">Page 356</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 For the State of Massachusetts:</p> <p>4 BY: DOUG MARTLAND, ESQ.</p> <p>5 BY: CHRISTINA CHAN, ESQ.</p> <p>6 BY: CORY TASLEY (VIA ZOOM)</p> <p>7 BY: NICHOLAS WILLING (VIA ZOOM)</p> <p>8 Office of the Attorney General</p> <p>9 State of Massachusetts</p> <p>10 1 Ashburton Place, 20th Floor</p> <p>11 Boston, Massachusetts 02108</p> <p>12 617.727.2200</p> <p>13</p> <p>14 For the State of Tennessee:</p> <p>15 BY: BRIAN PHELPS, ESQ.</p> <p>16 BY: CHRIS DUNBAR, ESQ.</p> <p>17 BY: ELIZABETH SPICA, ESQ. (VIA ZOOM)</p> <p>18 BY: SHANTE PICHE (VIA ZOOM)</p> <p>19 BY: KEATON MURPHY, ESQ. (VIA ZOOM)</p> <p>20 State of Tennessee</p> <p>21 Attorney General</p> <p>22 UBS Tower</p> <p>23 315 Deaderick Street</p> <p>24 Nashville, Tennessee 37243</p> <p>25 615.741.3519</p> <p>For the State of Arkansas:</p> <p>BY: AELISH BAIG, ESQ. (VIA ZOOM)</p> <p>Robbins Geller Rudman & Dowd LLP</p> <p>One Montgomery Street, Suite 1800</p> <p>San Francisco, California 94104</p> <p>415.288.4545</p> <p>aelishb@rgrdlaw.com</p> <p>For the Defendant Snap:</p> <p>BY: PRISCILA CORONADO, ESQ. (VIA ZOOM)</p> <p>BY: MAGGIE BUSHELL, ESQ. (VIA ZOOM)</p> <p>Munger, Tolles & Olson LLP</p> <p>350 South Grand Avenue, 50th Floor</p> <p>Los Angeles, California 90071</p> <p>213.683.9239</p> <p>Priscila.coronado@mtm.com</p> <p>(Continued)</p>

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2		2 INDEX OF EXAMINATION	
3 For the Defendants TikTok, Ltd.; Tiktok, LLC;		3 EXAMINATION BY	

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<p style="text-align: right;">Page 361</p> <p>1 INDEX OF EXHIBITS MARKED FOR IDENTIFICATION</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 Bejar</p> <p>4 Exhibit 48 Video, Clip 81 512</p> <p>5 Bejar</p> <p>6 Exhibit 49 e-mail correspondence, dated 519</p> <p>7 9/4/2024, subject: Possible</p> <p>8 Oversight Board Engagement</p> <p>9 (BEJAR0000305 - BEJAR0000443)</p> <p>10 Bejar</p> <p>11 Exhibit 50 Slide presentation entitled 521</p> <p>12 "Addressing online harms for</p> <p>13 children at Meta," dated</p> <p>14 9/26/2024 (BEJAR0000444 -</p> <p>15 BEJAR0000469)</p> <p>16 Bejar</p> <p>17 Exhibit 51 Coroner's regulation report to 535</p> <p>18 prevent future deaths</p> <p>19 Bejar</p> <p>20 Exhibit 52 News article entitled "Health 537</p> <p>21 secretary tells social media</p> <p>22 firms to protect children after</p> <p>23 girl's death"</p> <p>24 Bejar</p> <p>25 Exhibit 53 Document entitled "Changes We're 539</p> <p>Making to Do More to Support and</p> <p>Protect the Most Vulnerable</p> <p>People who Use Instagram," dated</p> <p>2/7/2019</p> <p>Bejar</p> <p>Exhibit 54 Meta document entitled "Our 548</p> <p>tools, features and resources to</p> <p>help support teens and parents"</p> <p>Bejar</p> <p>Exhibit 55 Meta document entitled "New 558</p> <p>Tools to Manage Your Time on</p> <p>Facebook and Instagram," dated</p> <p>8/1/2018</p> <p>Bejar</p> <p>Exhibit 56 Article entitled "Facebook Knows 567</p> <p>Instagram is Toxic for Teen</p> <p>Girls, Company Documents Show</p>	<p style="text-align: right;">Page 363</p> <p>1 INDEX OF EXHIBITS MARKED FOR IDENTIFICATION</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 Bejar</p> <p>4 Exhibit 64 Meta press release entitled 597</p> <p>5 "We're Introducing New Built-In</p> <p>6 Restrictions for Instagram Teen</p> <p>7 Accounts, and Expanding to</p> <p>8 Facebook and Messenger," dated</p> <p>9 4/8/2025</p> <p>10 Bejar</p> <p>11 Exhibit 65 News article entitled "Hot or 608</p> <p>12 Not? Website Briefly Judges</p> <p>13 Looks," dated 11/4/2023</p> <p>14 Bejar</p> <p>15 Exhibit 66 Facebook post by Arturo Bejar, 628</p> <p>16 dated 2/5/2018</p> <p>17 Bejar</p> <p>18 Exhibit 67 Screenshot 648</p> <p>19 (META3047MDL-044-00086786)</p> <p>20 Bejar</p> <p>21 Exhibit 68 e-mail correspondence, dated 653</p> <p>22 10/6/2020, subject: Question on</p> <p>23 time spent</p> <p>24 (META3047MDL-208-00046709 -</p> <p>25 METAMD-208-00046710)</p> <p>Bejar</p> <p>Exhibit 69 e-mail correspondence, dated 718</p> <p>10/26/2019, subject: Facebook</p> <p>Contingent Worker Orientation</p> <p>Hosted by ProUnlimited on 10/28</p> <p>(BEJAR0000165 - BEJAR000018)</p> <p>---</p>
<p style="text-align: right;">Page 362</p> <p>1 INDEX OF EXHIBITS MARKED FOR IDENTIFICATION</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 Bejar</p> <p>4 Exhibit 57 NPR article entitled "4 570</p> <p>5 takeaways from senators'</p> <p>6 grilling of Instagram's CEO</p> <p>7 about kids and safety," dated</p> <p>8 12/8/2021</p> <p>9 Bejar</p> <p>10 Exhibit 58 Meta press release article 570</p> <p>11 entitled "Raising the Standard</p> <p>12 for Protecting Teens and</p> <p>13 Supporting Parents Online,"</p> <p>14 dated 12/7/2021</p> <p>15 Bejar</p> <p>16 Exhibit 59 Instagram press release entitled 579</p> <p>17 "Introducing Family Center and</p> <p>18 Parental Supervision Tools on</p> <p>19 Instagram and in VR," dated</p> <p>20 3/16/2022</p> <p>21 Bejar</p> <p>22 Exhibit 60 Instagram press release entitled 583</p> <p>23 "Instagram Quiet Mode: A New Way</p> <p>24 to Manage Your Time and Focus,"</p> <p>25 dated 1/19/2023</p> <p>Bejar</p> <p>Exhibit 61 Instagram press release entitled 586</p> <p>"Introducing Instagram Teen</p> <p>Accounts: Built-In Protections</p> <p>for Teens, Peace of Mind for</p> <p>Parents," dated 9/17/2024</p> <p>Bejar</p> <p>Exhibit 62 News article entitled "House 593</p> <p>committee advances Kids Online</p> <p>Safety Act," dated 9/18/2024</p> <p>Bejar</p> <p>Exhibit 63 News article entitled "Careless 595</p> <p>People' author to testify during</p> <p>a Senate hearing about</p> <p>Facebook," dated 4/4/2025</p>	<p style="text-align: right;">Page 364</p> <p>1 TUESDAY, APRIL 8, 2025</p> <p>2 PALO ALTO, CALIFORNIA</p> <p>3 9:08 a.m. PST</p> <p>4 THE VIDEOGRAPHER: We're now on the record.</p> <p>5 Today's date is April 8th, 2025. The time is</p> <p>6 9:08 a.m.</p> <p>7 This is a continuation of Arturo Bejar's</p> <p>8 deposition in the matter of Social Media MDL 3047,</p> <p>9 State of Tennessee versus Meta Platforms, Inc.</p> <p>10 The court reporter is Lorrie Marchant,</p> <p>11 California CSR 10523.</p> <p>12 And will now swear in the witness.</p> <p>13 THE STENOGRAPHER: Do you want him sworn in</p> <p>14 again?</p> <p>15 MR. CARTMELL: I don't think so, unless you</p> <p>16 want the --</p> <p>17 MS. JONES: As long as he understands he is</p> <p>18 still under the same oath.</p> <p>19 MR. CARTMELL: I'll ask him.</p> <p>20 EXAMINATION BY MR. CARTMELL (Resumed)</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. Good morning.</p> <p>23 A. Good morning.</p> <p>24 Q. Mr. Bejar, we are starting fresh after an</p> <p>25 overnight break.</p>

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<p style="text-align: right;">Page 365</p> <p>1 Do you understand that you're still under 2 oath today? 3 A. Yes, I do. 4 Q. Okay. 5 When we broke we were talking about the 6 BEEF study, which is Meta's internal survey of bad 7 experiences and encounters; correct? 8 A. Correct. 9 Q. That's the internal survey that Meta did in 10 July through September of 2021; is that right? 11 A. That's correct. 12 Q. Okay. And that was a survey of 13 approximately 238,000 users of Instagram; is that 14 right? 15 A. Yes. 16 Q. I want to talk about the data from 17 Exhibit 21 and Exhibit 26. 18 Before you, you will see that on the right 19 side there is information that Meta was providing on 20 its Transparency Center website about the prevalence 21 of bullying and harassment; is that right? 22 A. That's correct. 23 Q. And what was Meta telling the public about 24 the prevalence of bullying and harassment on 25 Instagram?</p>	<p style="text-align: right;">Page 367</p> <p>1 what Meta is telling the public about the prevalence 2 of bullying views online and their internal data to 3 be a large discrepancy? 4 MS. JONES: Objection to the 5 characterization and lack of foundation. 6 THE WITNESS: Yes. 7 BY MR. CARTMELL: 8 Q. How would you characterize the discrepancy 9 between what Meta is telling the public about the 10 prevalence of bullying and harassment and what -- 11 MS. JONES: Same -- 12 BY MR. CARTMELL: 13 Q. -- and what Meta knows from its internal 14 survey is happening on Instagram related to bullying 15 and harassment? 16 MS. JONES: I apologize, Counsel. 17 Objection to the form and lacks foundation. 18 THE WITNESS: Okay. So the internal data 19 is saying 1 in 3 kids see bullying happening. And 20 the external representation says -- in the last 21 7 days. And the external representation says out of 22 10,000 views, only 5 or 6, right, like a fraction of 23 a percent. 24 And so I think that is a material or a 25 critical gap of what teens are communicating they've</p>
<p style="text-align: right;">Page 366</p> <p>1 A. That out of 10,000 content views, five or 2 six would contain bullying and harassment. 3 Q. Based on your expertise and working in this 4 safety -- child safety -- online child -- strike 5 that. 6 Based on your experience working for 7 30 years in online child safety, what do you believe 8 viewers of that information would perceive the risk 9 bullying on Instagram to be? 10 MS. JONES: Excuse me. 11 Objection to the form. Lacks foundation. 12 THE WITNESS: I believe that anybody 13 looking at this data would believe that it was 14 extremely unlikely that somebody experiences 15 bullying and harassment on Meta's products. 16 BY MR. CARTMELL: 17 Q. On the left side here, we have the results 18 of the BEEF survey from Meta at the same time 19 period. And what are the results for kids 13 to 15 20 and 16 to 17? 21 A. So for 13 to 15, approximately 1 in 3 kids 22 said that they witnessed, they saw, bullying and 23 harassment happening. And approximately 11 percent, 24 around 1 in 10, said they were the target of it. 25 Q. Would you categorize the discrepancy in</p>	<p style="text-align: right;">Page 368</p> <p>1 experienced versus what the company is representing 2 people see. 3 Q. Okay. Let's move to looking at child 4 endangerment violations and unwanted sexual 5 advances. 6 On the bottom of this, there is information 7 from Meta's Transparency website about the frequency 8 of child endangerment violations; is that correct? 9 A. That's correct. 10 Q. And what does Meta tell the public about 11 the frequency of child endangerment violations as of 12 September of 2021? 13 A. It says (as read): 14 "We cannot estimate prevalence of 15 child endangerment right now. We will 16 continue to expand prevalence measurement 17 to more areas as we confirm accuracy and 18 meaningful data." 19 Q. Now, above that is what information Meta 20 had as of September '21 related to unwanted sexual 21 advances that were being reported on Instagram from 22 13 to 15 year olds and 16 to 17 year olds; is that 23 correct? 24 A. That's correct. 25 Q. What internal information did Meta have in</p>

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<p style="text-align: right;">Page 369</p> <p>1 September of 2021 at the same time they were telling</p> <p>2 the public that child endangerment was very</p> <p>3 infrequent?</p> <p>4 MS. JONES: Excuse me.</p> <p>5 Objection to the form. Mischaracterizes</p> <p>6 the record. Foundation.</p> <p>7 MR. CARTMELL: Strike that. I'll restate</p> <p>8 it.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. What type of internal information or what</p> <p>11 data did Meta have internally from its BEEF survey,</p> <p>12 and, frankly, from the NES survey before that, at</p> <p>13 the same time in September of '21 it was telling the</p> <p>14 public that they could not estimate the prevalence</p> <p>15 for child endangerment right now?</p> <p>16 MS. JONES: Same objection to form.</p> <p>17 Characterization. And lack of foundation.</p> <p>18 THE WITNESS: That 13 to 15 year olds got</p> <p>19 an unwanted sexual advance, one in 8, 13 percent, in</p> <p>20 the last 7 days. And 16 to 17s, 14 percent in the</p> <p>21 last 7 days.</p> <p>22 BY MR. CARTMELL:</p> <p>23 Q. In your opinion as an online child safety</p> <p>24 expert, was there a very large discrepancy between</p> <p>25 what Meta was telling the public about unwanted</p>	<p style="text-align: right;">Page 371</p> <p>1 on Instagram? Was Meta telling the public something</p> <p>2 very different from what they knew internally?</p> <p>3 A. Yes.</p> <p>4 MS. JONES: Excuse me.</p> <p>5 Objection to the form.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Did Meta know from its internal data,</p> <p>8 including the BEEF research, that all of those bad</p> <p>9 experiences on Instagram were, in fact, frequent?</p> <p>10 MS. JONES: Objection. Foundation. Form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. Did Meta tell the public that ever?</p> <p>14 A. They did not.</p> <p>15 Q. Did you actually in your test accounts that</p> <p>16 you prepared and that we talked about yesterday look</p> <p>17 at examples of unwanted sexual advances and bullying</p> <p>18 that you found on Instagram during the time of your</p> <p>19 testing?</p> <p>20 A. Yes, I did.</p> <p>21 Q. I'm going to hand you actually a lot of</p> <p>22 exhibits right now. I'm going to hand you</p> <p>23 Exhibits 29 through 39. And we'll go through those.</p> <p>24 (Marked for identification purposes, Bejar</p> <p>25 Exhibits 29 through 39.)</p>
<p style="text-align: right;">Page 370</p> <p>1 sexual advances or child endangerment compared to</p> <p>2 what Meta knew from its internal research, including</p> <p>3 the BEEF survey?</p> <p>4 MS. JONES: Objection to the form. And</p> <p>5 foundation.</p> <p>6 THE WITNESS: Yes. I believe that the</p> <p>7 internal data is meaningful data about child</p> <p>8 endangerment.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. Now, did you believe that there was a very</p> <p>11 large discrepancy between what Meta was telling the</p> <p>12 public about the prevalence or frequency of suicide</p> <p>13 and self-harm versus what Meta knew internally?</p> <p>14 A. Yes.</p> <p>15 Q. Did you believe also that the same was true</p> <p>16 for what Meta knew internally about nudity and</p> <p>17 sexual activity on Instagram versus what Meta was</p> <p>18 telling the public?</p> <p>19 A. Yes.</p> <p>20 Q. Was the same true with what Meta knew</p> <p>21 internally about the amount of violence and that</p> <p>22 type of content on Instagram versus what Meta was</p> <p>23 telling the public?</p> <p>24 A. Yes.</p> <p>25 Q. Is the same true with hate content that was</p>	<p style="text-align: right;">Page 372</p> <p>1 MS. JONES: Counsel, would you mind,</p> <p>2 whenever you get started, just saying what the</p> <p>3 exhibit number is and what corresponds in the upper</p> <p>4 right hand just so we can mark it with the right</p> <p>5 number?</p> <p>6 MR. CARTMELL: Sure.</p> <p>7 MS. JONES: Thank you.</p> <p>8 MR. CARTMELL: I got a cheat sheet.</p> <p>9 MS. JONES: Okay. Thank you.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. While those are being handed out,</p> <p>12 Mr. Bejar, let me ask you: We talked yesterday</p> <p>13 about actually the testing on Instagram that you had</p> <p>14 done over, I believe it was, the last three years</p> <p>15 starting in November of 2023; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And you -- we have marked as an</p> <p>18 exhibit the protocol that you provided, which is</p> <p>19 Exhibit 12, which outlines sort of the process that</p> <p>20 you underwent when you were testing your accounts?</p> <p>21 A. Yes.</p> <p>22 Q. And is it true that you set up 3 or 4 test</p> <p>23 accounts for kids the age of 13; is that right?</p> <p>24 A. That's correct. Thirteen and 14. It was,</p> <p>25 I think, a total of, like, 7 accounts I believe.</p>

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<p style="text-align: right;">Page 373</p> <p>1 Q. And then briefly explain, if you would, for 2 the jury, what you did after setting those accounts 3 up. 4 I want to talk about that before we go 5 through some of the actual results or demonstrations 6 of what you found when you tested those accounts. 7 A. Yeah. So I -- I took a phone. I wiped it. 8 I installed Instagram, like the parent would hand 9 the phone to a kid. Created an account with all the 10 defaults. 11 And then from there, depending on the 12 accounts, I tried different things in the product to 13 see how it would behave for a teenager. 14 Q. Were you looking to test -- strike that. 15 What were you looking to test, for example? 16 A. I was looking to get an understanding of 17 the kind of content that was getting recommended to 18 teen accounts, as well as how the different features 19 behaved. 20 Q. When you say "features," are you talking 21 about what? 22 A. I'm talking about the safety features. 23 Q. All right. So let's take a look at 24 Exhibit 29, which is P2177. 25 MS. JONES: Thank you.</p>	<p style="text-align: right;">Page 375</p> <p>1 like to have public accounts versus private 2 accounts? 3 A. I think that kids -- some kids like public 4 accounts because they like the attention that they 5 get from that. And I think other kids like having 6 private accounts. 7 Q. Okay. All right. So why don't you just go 8 ahead and explain to us what you found and what this 9 represents as significant to you. 10 A. So this is a girl that appears to be under 11 ten. And when you open the comments, very quickly 12 you find, like, a body-shaming. Image 1 begins with 13 a young girl. "Hit the gym." 14 Q. Okay. Let's highlight what you're talking 15 about. 16 Are you talking about the first comment 17 that says, "Hit the gym"? 18 A. Correct. 19 Then you get red hearts. 20 Q. What does that mean? 21 A. Love, love, love, love, love, love. 22 Then -- and then the third comment is -- 23 and you see this in -- in the minor accounts 24 (as read): 25 "What's happening here? I'm not</p>
<p style="text-align: right;">Page 374</p> <p>1 BY MR. CARTMELL: 2 Q. Is Exhibit 29 a still and a post with 3 comments that you received in one of your test 4 accounts? 5 A. That's correct. I only looked at accounts 6 that were public. 7 Q. So this was -- well, explain what this -- 8 this is. You mentioned a public account. Explain 9 what that is. 10 A. Yeah. So in Instagram, you can create 11 accounts that are either private or public. When an 12 account is private, only people who follow you can 13 see the videos or photos that you post. 14 On an account that's public, anybody who 15 uses Instagram can see your videos that you post. 16 And so this is an account that is public 17 that appears to be, again, a very young girl. I 18 would say under ten. And this was a video that was 19 recommended to me by the Reels algorithm by 20 Instagram. 21 And then I looked at the video. And then I 22 opened the comments. 23 Q. In your experience, let me ask you, over 24 30 years in the industry and working in child safety 25 online, do you have an understanding of whether kids</p>	<p style="text-align: right;">Page 376</p> <p>1 watching these videos anymore." 2 Which I believe indicates that they get 3 recommended these kinds of videos with young girls, 4 and they watch them and are disturbed by them. 5 MR. CARTMELL: Okay. Let's go to the 6 other -- other side, Jim, please. 7 BY MR. CARTMELL: 8 Q. What does this represent? 9 A. So the top comment, "You got snap," is a 10 way to message with the minor that circumvents the 11 restrictions that are in place on Instagram. 12 So they -- it's asking to establish a 13 connection with the minor outside of Instagram. 14 Q. Is that an adult, or do you know? 15 A. I can't tell from what's here. But I have 16 seen several accounts where these comments -- and 17 you click through account, it looks to be an adult. 18 Q. I don't necessarily understand what you're 19 talking about. I want to make sure the jury 20 understands. 21 Are they talking about going to another 22 social media app called Snap? 23 A. That is correct. 24 Q. Okay. And what is your experience as an 25 online child safety expert as to why, for example,</p>

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<p style="text-align: right;">Page 377</p> <p>1 an adult might ask a young child to go to Snap?</p> <p>2 MS. JONES: Objection. Foundation.</p> <p>3 THE WITNESS: To ask them for videos,</p> <p>4 photos, sexual conversations, grooming, sextortion,</p> <p>5 you name it.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Okay.</p> <p>8 A. And then the -- the next comment -- sorry,</p> <p>9 I just have a hard time with this sometimes -- has</p> <p>10 the words "Boner Alert," indicating that somebody is</p> <p>11 aroused by the video that is -- they're watching.</p> <p>12 Q. Okay. Let's go to dot 2 of this.</p> <p>13 And is this the same girl dancing? It's</p> <p>14 hard -- a little hard to see her, but the same girl?</p> <p>15 A. It is the same girl, same account.</p> <p>16 Q. And these are just additional comments that</p> <p>17 she is getting --</p> <p>18 A. Yes.</p> <p>19 Q. -- on this post?</p> <p>20 A. Correct.</p> <p>21 Q. These are all on one post; is that correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Go ahead.</p> <p>24 A. So top comment (as read):</p> <p>25 "Waiting for my reply back. I am</p>	<p style="text-align: right;">Page 379</p> <p>1 Q. Okay.</p> <p>2 A. The fire is -- again, I've noticed it --</p> <p>3 using it for when you think people are hot.</p> <p>4 The next message is, "Add me back," which</p> <p>5 in the context of Instagram means that she -- they</p> <p>6 want her to follow them back, so then they can</p> <p>7 message each other.</p> <p>8 And then the other message is (as read):</p> <p>9 "Why you so fat?"</p> <p>10 And, again, this is an interesting thing to</p> <p>11 note, that it doesn't say F-A-T. It says F-A-plus,</p> <p>12 which is a way to circumvent -- easily circumvent</p> <p>13 any of the features that look at you saying "fat"</p> <p>14 and stop you from doing that or ask you not to do</p> <p>15 that.</p> <p>16 MS. JONES: I'm going to object to and move</p> <p>17 to strike the nonresponsive narrative portion of</p> <p>18 that answer.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. Okay. So which bad experiences that are</p> <p>21 reflected in BEEF's internal surveys, including --</p> <p>22 or, excuse me.</p> <p>23 Which of the bad experiences that are</p> <p>24 reflected in Meta's internal surveys, including BEEF</p> <p>25 and prior research, does this demonstrate?</p>
<p style="text-align: right;">Page 378</p> <p>1 single and looking."</p> <p>2 Q. And does that appear to be an adult?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And then she responds; is that true?</p> <p>5 A. Correct.</p> <p>6 Q. What does she say?</p> <p>7 A. (As read):</p> <p>8 "Sorry, no."</p> <p>9 Q. Continue, please.</p> <p>10 A. Another like (as read):</p> <p>11 "Hey, love, waiting for your reply or</p> <p>12 DM me."</p> <p>13 Again, these are people asking her to</p> <p>14 initiate contact with them through the comments.</p> <p>15 Q. Can that be dangerous for kids?</p> <p>16 A. Yes, incredibly so.</p> <p>17 Q. Let's go to the next set of comments.</p> <p>18 A. So the top comment is (as read):</p> <p>19 "Y'all, she's like ten. What the --</p> <p>20 what the tuck?"</p> <p>21 Q. Why would -- why would somebody in your</p> <p>22 experience say "tuck"?</p> <p>23 A. Because they're trying to type "Why the</p> <p>24 fuck." But they weren't allowed to, so they changed</p> <p>25 the word a little bit to convey the same thing.</p>	<p style="text-align: right;">Page 380</p> <p>1 MS. JONES: Objection. Foundation.</p> <p>2 THE WITNESS: So this post and these few</p> <p>3 comments demonstrates unwanted sexual advances; body</p> <p>4 shaming; eating-disorder content; attempts at</p> <p>5 circumventing message protection, so trying to</p> <p>6 contact and initiate conversations with the minor;</p> <p>7 and knowledge that this is, indeed, a minor that's</p> <p>8 on Instagram.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. At the time of this testing in -- do you</p> <p>11 know if this was 2023 or 2024?</p> <p>12 A. I believe this was in 2023, but I would</p> <p>13 need to check my records.</p> <p>14 Q. And the records are on the -- in the</p> <p>15 protocol that you've attached as an exhibit?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. At the time of this testing that you</p> <p>18 did, was Meta doing anything to monitor or prevent</p> <p>19 or try to substantially reduce these types of</p> <p>20 harmful experiences?</p> <p>21 MS. JONES: Objection. Foundation.</p> <p>22 THE WITNESS: During -- in the months</p> <p>23 leading up to this, not as far as I was aware,</p> <p>24 because in the months of leading up to this, I was</p> <p>25 working in the well-being team. And I was not aware</p>

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<p style="text-align: right;">Page 381</p> <p>1 of any efforts within the well-being team to address</p> <p>2 the issues that I can see in this post.</p> <p>3 BY MR. CARTMELL:</p> <p>4 Q. Okay. And this is -- this is 2023;</p> <p>5 correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. Let's go to Exhibit 30, which is</p> <p>8 P2181.</p> <p>9 Mr. Bejar, Exhibit 30 is another still with</p> <p>10 a video and some comments from one of the test</p> <p>11 accounts for a 13 year old you set up; is that</p> <p>12 correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Why don't you please tell us the harmful or</p> <p>15 bad experiences that this exhibit represents.</p> <p>16 A. So clearly a video of a very young girl</p> <p>17 again and multiple comments showing condoms, which,</p> <p>18 again, is, I think, an unwanted sexual advance.</p> <p>19 There's the fire and another GIF that</p> <p>20 says -- or a still image that says, "I'm going to be</p> <p>21 wet for hours," on the right.</p> <p>22 Q. That's on the right?</p> <p>23 A. M-hm.</p> <p>24 Q. On the left at the bottom, it says "Your</p> <p>25 trans?"</p>	<p style="text-align: right;">Page 383</p> <p>1 Q. Okay. Let's go to Exhibits 31 and 32. And</p> <p>2 I believe 31 is the slip sheet for a video. It's</p> <p>3 Clip 57. And why don't we go ahead and play the</p> <p>4 video, and then I'll ask you some follow-up</p> <p>5 questions about it.</p> <p>6 (Whereupon, video/audio played.)</p> <p>7 MR. CARTMELL: Okay. Jim, if you wouldn't</p> <p>8 mind, go back and just play the first part of the</p> <p>9 video with the little girl dancing real quick. And</p> <p>10 we can stop it right after that.</p> <p>11 (Whereupon, video/audio played.)</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. Mr. Bejar, it seemed to be that there was</p> <p>14 something reflecting or lights as she was dancing.</p> <p>15 What was that?</p> <p>16 MS. JONES: Objection. Foundation.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. Do you know?</p> <p>19 A. Yes. It was a filter.</p> <p>20 Q. Explain to the jury what a filter is and</p> <p>21 how that works, that a little kid can do a dance and</p> <p>22 have sort of lights flashing as they do that.</p> <p>23 A. So Instagram has these features that when</p> <p>24 you take a video, it can add a special effect to it.</p> <p>25 So it can put things on your face. It can make</p>
<p style="text-align: right;">Page 382</p> <p>1 A. Yes.</p> <p>2 Q. What does that mean?</p> <p>3 A. It's -- it's --</p> <p>4 MS. JONES: Hold on.</p> <p>5 Objection. Foundation.</p> <p>6 Go ahead.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. What does that mean to you as somebody who</p> <p>9 has been a child -- online child safety expert for</p> <p>10 30 years?</p> <p>11 MS. JONES: Same objections.</p> <p>12 THE WITNESS: I think that's a really awful</p> <p>13 form of bullying to tell a young girl if she's</p> <p>14 trans. It's an insult that I can't imagine what</p> <p>15 that does to a kid at that age.</p> <p>16 Also note, like, first comment is "Too</p> <p>17 young."</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. What is the significance of that to you?</p> <p>20 A. When you see these videos, they're often</p> <p>21 people who say, "You're too young to be on here.</p> <p>22 What are you doing here?"</p> <p>23 And I believe that the reason people do</p> <p>24 that in comments is because these accounts are</p> <p>25 almost impossible to report as being under 13.</p>	<p style="text-align: right;">Page 384</p> <p>1 lights flash. It -- it jazzes up the video.</p> <p>2 Q. Okay. And is -- based on your experience</p> <p>3 in the industry as a child -- online child safety</p> <p>4 expert, is that something that a lot of kids, young</p> <p>5 kids, like to use?</p> <p>6 MS. JONES: Foundation. Objection.</p> <p>7 Foundation.</p> <p>8 (Stenographer interrupted for clarification</p> <p>9 of the record.)</p> <p>10 THE WITNESS: Yes. For example, if you</p> <p>11 have something that puts little baby Yodas on your</p> <p>12 face, that would be an example of a -- of a filter</p> <p>13 that is designed for small children to use.</p> <p>14 BY MR. CARTMELL:</p> <p>15 Q. Do you know the music that -- where that</p> <p>16 comes from?</p> <p>17 A. Not on -- on this one.</p> <p>18 Q. Okay. Let's look at some of the -- oh,</p> <p>19 actually, before we go to the comment, what on the</p> <p>20 right side of this photo of the dancing girl -- why</p> <p>21 don't you tell the jury what those things are, those</p> <p>22 numbers.</p> <p>23 A. Yeah. So this -- the first with the heart</p> <p>24 is how many people hearted or liked the video. And</p> <p>25 that video had been hearted 8,359 times.</p>

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<p style="text-align: right;">Page 385</p> <p>1 The comments are the little bubble with 2 the -- with the balloon -- the word balloon is 3 comments. So 209 of those. 4 And then the little paper airplane is 5 people that have shared that video with other people 6 in different context. And that is -- well, sorry. 7 That is 1,950 times people have shared this video. 8 Q. Why are those numbers significant to you as 9 an online child safety expert? 10 A. Well, I -- I don't -- I mean, I think 11 it's -- I think it's inappropriate to have a video 12 like this be getting as many likes. I think -- I 13 think the sharing of this, right, is -- is taking 14 what I believe is exploitative content of a minor 15 that is not explicit, so this is kind of sexually 16 suggestive, and then it's distributing it further. 17 And I think it creates an environment 18 that's very risky for the minor and rewards people 19 looking for this kind of content. 20 Q. Okay. Let's look at some of the comments 21 that this post from this young girl received. 22 And -- whoops. 23 And, again, this is a post and comments 24 that came to an account that was set up as a 25 13-year-old girl; correct?</p>	<p style="text-align: right;">Page 387</p> <p>1 animations or little police car emojis to indicate 2 that this account is too young to be Instagram. 3 Q. Do you know what the "NNN, it's December 1, 4 I sent you a pic" is? 5 MS. JONES: Objection. Foundation. 6 THE WITNESS: I don't. 7 BY MR. CARTMELL: 8 Q. Have you ever heard of no-nut November? 9 MS. JONES: Same objection. Foundation. 10 THE WITNESS: Yes, I have. 11 BY MR. CARTMELL: 12 Q. What does that represent based on your 13 knowledge? 14 A. Yeah. It's a -- it's something where 15 people commit to not masturbating during the month 16 of November. 17 And so then that message says my month of 18 not masturbating is over. "It's December 1st. I 19 sent you a pic." Eyes with hearts and fire. 20 Q. Let's go to the next set of comments to 21 this post. 22 What was significant to you here? 23 MS. JONES: Let me just note an objection 24 on foundation. 25 Go ahead.</p>
<p style="text-align: right;">Page 386</p> <p>1 A. That is correct. 2 Q. Now, these likes, for instance, that you 3 talked about, did those come from strangers? 4 A. Most likely they did. I mean, that many 5 likes would come from, again, public content. So 6 anybody can see it. Anybody can like it. 7 Q. Okay. Do you, from your experience, know 8 of any kids that have 8,000 friends in real life? 9 MS. JONES: Objection. Foundation. 10 THE WITNESS: I do not. 11 BY MR. CARTMELL: 12 Q. Okay. Let's talk about what we found from 13 the comments to this post for this little girl. 14 A. So you have, again, "Boner Alert," which 15 you've seen in many of these posts. 16 The -- the little flames and the hearts are 17 so -- it indicates, like, you're hot and love. 18 "So sexy" you see on the third screen. 19 And "You made something in my pants grow 20 bigger," which is somebody saying that they got an 21 erection from looking at this video. 22 And then I will note the little police car 23 emojis that -- in some of these, and you saw it when 24 you scrolled by. When it's an account that appears 25 to be really young, they use little police</p>	<p style="text-align: right;">Page 388</p> <p>1 THE WITNESS: That the first comment is in 2 Spanish. It says (as read): 3 "How is it possible for a girl to do 4 this?" 5 I think actually that is an incredibly 6 important question. 7 Then you have (as read): 8 "Oil up. I am coming." 9 BY MR. CARTMELL: 10 Q. Does that appear to be an older kid or man? 11 MS. JONES: Objection. Foundation. 12 THE WITNESS: Yes. 13 BY MR. CARTMELL: 14 Q. Okay. 15 A. And then on the comments on the right, 16 which is the one I made a note of when the video was 17 going by, it says (as read): 18 "I will make you scream if you know 19 what I mean." 20 Q. What's the significance of that to you? 21 A. That either through pleasure or pain, he'll 22 make the little girl scream or they will make the 23 little girl scream. 24 Q. Okay. And there's a comment (as read): 25 "Are you autistic"?</p>

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<p style="text-align: right;">Page 389</p> <p>1 A. That's correct.</p> <p>2 Q. What type of bad experience for a child can</p> <p>3 that be?</p> <p>4 MS. JONES: Objection. Foundation.</p> <p>5 THE WITNESS: It's bullying and harassment;</p> <p>6 right?</p> <p>7 I mean, I think when we talk about unwanted</p> <p>8 sexual advances, bullying and harassment, all of</p> <p>9 these issues, this is what we're talking about.</p> <p>10 This is what people need to understand is happening</p> <p>11 on Instagram. This is the risk of having a public</p> <p>12 account.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. Does Meta tell parents and the public about</p> <p>15 these risks on Instagram?</p> <p>16 A. They do not. And when you switch between</p> <p>17 public and private account, which was in one of my</p> <p>18 test videos, there's nothing that tells you what are</p> <p>19 the risks of going into a public account from a</p> <p>20 private account. And this illustrates what those</p> <p>21 risks are.</p> <p>22 Q. Do you believe that Meta should have told</p> <p>23 the public, including parents, about these risks?</p> <p>24 A. Yes, absolutely. My daughter approached</p> <p>25 me -- (inaudible)</p>	<p style="text-align: right;">Page 391</p> <p>1 the top you have (as read):</p> <p>2 "I'm 19. Is that okay?"</p> <p>3 Q. What do you believe that is?</p> <p>4 A. It's somebody saying, I am 19, can I date</p> <p>5 you? Can I be with you? Is that okay? Would you</p> <p>6 be with me?</p> <p>7 Q. And does she respond?</p> <p>8 A. She does.</p> <p>9 Q. What does she say?</p> <p>10 A. "Thirteen."</p> <p>11 Q. Okay.</p> <p>12 A. The next one is, "Stunning," right, so</p> <p>13 loving eyes, like, the little love eyes and</p> <p>14 clapping.</p> <p>15 Q. Actually, before that on the bottom of the</p> <p>16 previous comments page, it says (as read):</p> <p>17 "She's kinda hot."</p> <p>18 A. That's correct.</p> <p>19 Sorry, there's, like, so many of these</p> <p>20 comments. It's really -- it's a little bit of a</p> <p>21 hard read, but it's a very important read.</p> <p>22 Q. After the "stunning" comment, does she</p> <p>23 respond again?</p> <p>24 A. She does.</p> <p>25 Q. What does she say?</p>
<p style="text-align: right;">Page 390</p> <p>1 (Stenographer interrupted for clarification</p> <p>2 of the record.)</p> <p>3 THE WITNESS: Yes. So my daughter asked me</p> <p>4 if she could have a public account, had I known this</p> <p>5 was what she was going to get exposed to, I would</p> <p>6 not have given her permission to do that.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. Okay. Let's look at Exhibit 33, please,</p> <p>9 which is P2180.</p> <p>10 What does Exhibit 33 reflect from your test</p> <p>11 account for a 13 year old?</p> <p>12 A. So, again, you've got a video of a young</p> <p>13 girl showing her stomach and her behind. It has</p> <p>14 3,000 likes up to this point. And the comments say</p> <p>15 (as read):</p> <p>16 "Hot cute."</p> <p>17 And then the girl responds (as read):</p> <p>18 "Bro, I'm 13."</p> <p>19 Q. Is she responding to an unwanted sexual</p> <p>20 advance from a stranger?</p> <p>21 MS. JONES: Objection. Foundation.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. CARTMELL:</p> <p>24 Q. Okay.</p> <p>25 A. If you look at the next set of comments at</p>	<p style="text-align: right;">Page 392</p> <p>1 A. "Thirteen."</p> <p>2 Q. Is that three times in one post in the</p> <p>3 comments just received here that she's responded to</p> <p>4 comments to her that she's only 13 years old?</p> <p>5 MS. JONES: Objection. Foundation.</p> <p>6 THE WITNESS: That is correct.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. And what is the next comment she receives?</p> <p>9 A. (As read):</p> <p>10 "Oil up your special spots. I'll be</p> <p>11 there in ten minutes mommy."</p> <p>12 With two emojis with eye -- the hearts in</p> <p>13 the eyes.</p> <p>14 Q. Based on your experience, can these types</p> <p>15 of comments be harmful to little kids 13 years old?</p> <p>16 MS. JONES: Objection. Foundation.</p> <p>17 THE WITNESS: Absolutely.</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. Let's look at Exhibits 34 and 35. This is</p> <p>20 a video clip, 54, and a still after that with</p> <p>21 comments.</p> <p>22 Let's go ahead and look at the video, and</p> <p>23 then we'll look at the comments.</p> <p>24 (Whereupon, video played.)</p> <p>25 ///</p>

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<p style="text-align: right;">Page 393</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Okay. So let me ask you some questions</p> <p>3 about we -- what we just watched. I think it's</p> <p>4 still continuing.</p> <p>5 MS. JONES: And, Counsel, can I just lodge</p> <p>6 an objection?</p> <p>7 MR. CARTMELL: Actually, I shouldn't have</p> <p>8 interrupted. It still going, and then you can.</p> <p>9 MS. JONES: Okay. Sure. That's fine.</p> <p>10 Go ahead.</p> <p>11 MR. CARTMELL: Go ahead.</p> <p>12 (Whereupon, video played.)</p> <p>13 MR. CARTMELL: Okay. Before I ask any</p> <p>14 questions, do you want --</p> <p>15 MS. JONES: Sure. Let me just -- this</p> <p>16 might make things easier. Let me make an objection</p> <p>17 to, I think starting with Exhibit No. 29 through --</p> <p>18 (Stenographer interrupted for clarification</p> <p>19 of the record.)</p> <p>20 MS. JONES: Starting with Exhibit No. 29</p> <p>21 to -- I'm not sure what the number is, but to the</p> <p>22 extent that you're asking him questions where you're</p> <p>23 asking him to interpret posts or comments from</p> <p>24 people for which he would have no foundation to</p> <p>25 offer testimony, I would lodge an objection.</p>	<p style="text-align: right;">Page 395</p> <p>1 here identifying or stating as far as the number of</p> <p>2 likes and views and shares?</p> <p>3 A. So this one is not showing the views.</p> <p>4 MR. WARD: It's on the screen.</p> <p>5 THE WITNESS: Sorry?</p> <p>6 MR. WARD: It's on screen.</p> <p>7 THE WITNESS: Oh, thank you.</p> <p>8 Yeah. So this -- here this shows this has</p> <p>9 been liked 13,000 -- 14,000 times, approximately.</p> <p>10 There is 54,000 comments. And it's been shared</p> <p>11 7,000 -- over 7,000 times.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. So a little girl -- how old -- can you</p> <p>14 estimate, in your experience, how old this little</p> <p>15 girl is?</p> <p>16 A. I would say around 10 or 11.</p> <p>17 Q. Okay. And did you say 54,000 comments on</p> <p>18 one post?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And let's look at the -- Exhibit 34.</p> <p>21 We can talk about some of the comments.</p> <p>22 MR. WARD: Tom, is it Exhibit 35?</p> <p>23 MR. CARTMELL: Oh, I'm ...</p> <p>24 (Discussion off the stenographic record.)</p> <p>25 MR. CARTMELL: Is it 35?</p>
<p style="text-align: right;">Page 394</p> <p>1 May I have a running objection such that I</p> <p>2 don't have to keep objecting?</p> <p>3 MR. CARTMELL: Sure.</p> <p>4 MS. JONES: Okay. Thank you.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. Okay. I want to ask you some questions</p> <p>7 about what we just saw, and we may have to go back</p> <p>8 and look at parts of this video. But why don't you</p> <p>9 just explain first what this is.</p> <p>10 Obviously, it's a little girl singing, but</p> <p>11 tell us what type of -- is this a trend or what is</p> <p>12 this?</p> <p>13 A. So Instagram has a feature that allows you</p> <p>14 to take an audio clip, and then you can attach it to</p> <p>15 your own videos. And then people can copy that.</p> <p>16 And those are called "audio trends" or ...</p> <p>17 And so this is -- this girl is doing this</p> <p>18 trend where she's asking to be rated. "Put a red</p> <p>19 heart if you think I'm cute. Put a yellow heart if</p> <p>20 you think I'm fine. And put a blue heart if you</p> <p>21 think I'm ugly."</p> <p>22 And so then she's asking anybody who sees</p> <p>23 this video to respond in the comments.</p> <p>24 Q. I see.</p> <p>25 And so what are -- is -- are the numbers</p>	<p style="text-align: right;">Page 396</p> <p>1 I'm sorry, 35.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. Let's look, Mr. Bejar, at Exhibit 35. And</p> <p>4 tell us what this is.</p> <p>5 MS. JONES: And note my ongoing objection</p> <p>6 to this.</p> <p>7 THE WITNESS: Also, I did -- I will -- I</p> <p>8 will tell you what this says. I just want to flag,</p> <p>9 and then you can ask me about it.</p> <p>10 The number of views was visible in one of</p> <p>11 the screens that we looked at. And it's important,</p> <p>12 I believe.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. Okay.</p> <p>15 A. But answering your question about the --</p> <p>16 the comments. I've -- "I've never seen so much</p> <p>17 blue. Oh my God."</p> <p>18 Q. And blue means what?</p> <p>19 A. People who think she is ugly. She's been</p> <p>20 asking to be rated, and blue is how you tell her she</p> <p>21 is ugly.</p> <p>22 And a blue heart saying (as read):</p> <p>23 "It's okay buddy (this is a racism</p> <p>24 app. Get out of here if you want</p> <p>25 emotional support)."</p>

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<p style="text-align: right;">Page 397</p> <p>1 And that comment has 3,600 likes. 2 (As read): 3 "I am 25 years old" with hearts. 4 With red hearts, in the next panel 5 (as read): 6 "I am 62 when u got time?" 7 Q. Did you actually go to that person's -- it 8 looks like a man's page to see who that was? 9 A. Yes. 10 Q. And what did you find? Is this that, what 11 you found? 12 A. That is that account. 13 Q. [REDACTED] 14 A. Yes. 15 Q. Zero posts. 16 So does -- what does that reflect? 17 A. This is generally somebody who goes on 18 Instagram, doesn't post anything, and just consumes 19 videos or things that other people make. 20 Q. Why is that significant to you? 21 A. When you click through to some of the 22 people viewing these videos made by young girls, you 23 often find accounts that appear to be adults who 24 don't do posts, who follow other young girls. 25 Q. Okay. We're going to -- you mentioned that</p>	<p style="text-align: right;">Page 399</p> <p>1 videos of teens asking to be rated. And this is a 2 perfect example of that. 3 BY MR. CARTMELL: 4 Q. Is Instagram actually promoting that? 5 A. Yes, it is. That's the only way a video 6 like this can get over a million views. 7 Q. Okay. We're going to pull up another 8 section of this video, and I have a question for 9 you. 10 (Whereupon, video played.) 11 BY MR. CARTMELL: 12 Q. So what were you doing there in your test, 13 and what did you find? 14 A. So you can click through to see who else 15 has used this audio clip to make their own videos. 16 And what I found was 9,000 accounts had been used to 17 do this kind of rating trend, were asking to be 18 rated. And when you see me scrolling through that, 19 you see that they're almost exclusively little kids. 20 Q. So does that reflect 9,000 kids had done 21 what this little girl did and asked people to rate 22 them with a red heart, yellow heart, or blue heart? 23 MS. JONES: Objection. Foundation. 24 THE WITNESS: Approximately, yes. There 25 are, in what I could see, two or three older people.</p>
<p style="text-align: right;">Page 398</p> <p>1 there was in the video a mention of the number of 2 views of this video. And I want to take a look at 3 that. 4 Okay. It says "just watched," and it looks 5 like 1.3 million. 6 What is that? 7 A. So that video of the girl asking to be 8 rated has been seen 1.3 million times. 9 Q. What is the significance to you of that as 10 an online child safety expert? 11 MS. JONES: Objection. Foundation. Calls 12 for speculation. 13 THE WITNESS: I do not believe that there 14 is any world in which it's appropriate for a video 15 of a young girl asking to be rated to get a million 16 views. I can't imagine what that does to the child, 17 especially when most of the comments are blue 18 hearts. 19 One of the comments said "Team Blue," and 20 it had almost a thousand likes. And what does that 21 do to, like, a -- like, a young girl; right? 22 It's -- it's ... 23 And in 2016, there was a very good paper 24 talking about eating disorders and body image 25 issues. And one of the key things they named is</p>	<p style="text-align: right;">Page 400</p> <p>1 But almost all of the 9,000 Reels are young kids. 2 BY MR. CARTMELL: 3 Q. And what is the significance of that to you 4 as an online child safety expert? 5 A. That Instagram, by design, is helping kids 6 create videos where they're asking to be rated at a 7 time in which we know that this is terrible for 8 their body image and can lead to eating disorders 9 and other issues. 10 Q. What bad experiences or negative 11 experiences does this video reflect -- strike that. 12 What of the bad experiences that were 13 looked at in the BEEF study do you believe this 14 video reflects on Instagram? 15 MS. JONES: Objection to the form. 16 Mischaracterization. 17 Go ahead. 18 THE WITNESS: Negative social comparison. 19 BY MR. CARTMELL: 20 Q. Okay. I want to pull up the demonstrative 21 related to suicide and self-injury, Exhibit 21 and 22 Exhibit 28. 23 At the bottom of this demonstrative is 24 Meta's Transparency Center's prevalence statement 25 about how prevalent suicide and self-injury</p>

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<p style="text-align: right;">Page 401</p> <p>1 violations are on Instagram.</p> <p>2 Do you see that?</p> <p>3 A. Yes, I do.</p> <p>4 Q. And what does it state?</p> <p>5 A. (As read):</p> <p>6 "Views of violating content that</p> <p>7 contains suicide and self-injury are very</p> <p>8 infrequent, as we remove much of this</p> <p>9 content before people see it. As a</p> <p>10 result, many times we do not find enough</p> <p>11 violating samples to precisely estimate</p> <p>12 prevalence."</p> <p>13 Q. So was Meta, as of September of 2021,</p> <p>14 telling the public that suicide and self-injury</p> <p>15 content on Instagram is very infrequent?</p> <p>16 A. Yes.</p> <p>17 Q. And up above that is the BEEF results,</p> <p>18 which is Meta's internal survey of 238,000 Instagram</p> <p>19 users.</p> <p>20 What does it state with respect to the</p> <p>21 amount of users who were 13 through 17 and had seen</p> <p>22 suicide or self-injury on Instagram?</p> <p>23 A. It says that 8.4 percent of 13 to 15 year</p> <p>24 olds saw self-harm content in the last 7 days, and</p> <p>25 7.2 percent of 16 to 17 year olds saw self-harm</p>	<p style="text-align: right;">Page 403</p> <p>1 the -- the top result -- or one of the top results</p> <p>2 that came back was an account called "I want to hurt</p> <p>3 myself," for which the profile picture was of</p> <p>4 cutting. And you couldn't report the profile</p> <p>5 picture that included cutting.</p> <p>6 And then if you moved over to the hashtags</p> <p>7 part of the search thing, there was a hashtag called</p> <p>8 "I want to hurt myself." And I tapped on that, and</p> <p>9 it gave me a wall of content, including the image</p> <p>10 that you see here, which I then tried to report.</p> <p>11 Q. Okay. Let me ask you first, so this is</p> <p>12 just a few examples in this exhibit of the posts</p> <p>13 that were recommended to your kid account after the</p> <p>14 search you just mentioned?</p> <p>15 MS. JONES: Counsel, can I just confirm if</p> <p>16 this is Exhibit No. 37, which is 2043?</p> <p>17 (Stenographer interrupted for clarification</p> <p>18 of the record.)</p> <p>19 MS. JONES: I just want to make sure I'm</p> <p>20 getting my numbers right.</p> <p>21 Is that right?</p> <p>22 Okay. Thank you.</p> <p>23 THE WITNESS: Yes, this is content that was</p> <p>24 recommended to that account when searching for this</p> <p>25 string.</p>
<p style="text-align: right;">Page 402</p> <p>1 content in the last 7 days.</p> <p>2 Q. Is that another example of a large</p> <p>3 discrepancy between what Meta is telling the public</p> <p>4 about the frequency of suicide and self-injury</p> <p>5 experiences on Instagram versus what Meta knows from</p> <p>6 its internal studies?</p> <p>7 MS. JONES: Objection to the</p> <p>8 characterization of the record. Form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. I want to ask you about Exhibits 36 and</p> <p>12 30- -- well, strike that.</p> <p>13 I want to ask you about Exhibit 36 that</p> <p>14 I've handed you.</p> <p>15 But let me ask you first, did you in your</p> <p>16 testing actually determine whether or not there was</p> <p>17 suicide or self-injury content available to kids on</p> <p>18 Instagram?</p> <p>19 A. Yes.</p> <p>20 Q. Tell us about that, please.</p> <p>21 A. I opened search, and I started to search</p> <p>22 for "I want to hurt myself." This is a query that I</p> <p>23 ran from the teen accounts over the period of over a</p> <p>24 year.</p> <p>25 For most of that year up to end of 2024,</p>	<p style="text-align: right;">Page 404</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Of a 13 year old?</p> <p>3 A. Correct.</p> <p>4 Q. And what does this reflect?</p> <p>5 A. This is an image of Mickey Mouse having</p> <p>6 murdered Minnie Mouse and then hanging himself. So</p> <p>7 it's a murder-suicide using Disney characters.</p> <p>8 Q. Why does this not violate Instagram's</p> <p>9 community standards?</p> <p>10 MS. JONES: Objection. Foundation.</p> <p>11 (Stenographer interrupted for clarification</p> <p>12 of the record.)</p> <p>13 MS. JONES: Form.</p> <p>14 THE WITNESS: I do not know. I tried to</p> <p>15 report it, and I was told -- and the account got the</p> <p>16 feedback saying, "This doesn't violate our community</p> <p>17 guidelines."</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. You actually tried to report it?</p> <p>20 A. Correct.</p> <p>21 Q. And what were you told?</p> <p>22 A. That this image did not violate community</p> <p>23 guidelines.</p> <p>24 Q. Okay. What's the next image that you</p> <p>25 received in your test account? Tell us what this</p>

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<p style="text-align: right;">Page 405</p> <p>1 is.</p> <p>2 A. It is an image of a teddy bear hanging</p> <p>3 itself with the word "Suicide" on it.</p> <p>4 Q. Was this one you also tried to report, or</p> <p>5 do you remember?</p> <p>6 A. I don't remember if I reported this one or</p> <p>7 not.</p> <p>8 Q. Do you know why this does not violate</p> <p>9 Instagram's community standards?</p> <p>10 MS. JONES: Objection. Foundation and</p> <p>11 form.</p> <p>12 THE WITNESS: I do not; right? If -- if</p> <p>13 the statement that they make on the transparency</p> <p>14 report about moving content before people see it was</p> <p>15 accurate, then I can't imagine why, like, this</p> <p>16 content would have come up in a search result for a</p> <p>17 13-year-old account.</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. And did you actually see a wall of examples</p> <p>20 of posts that you found to be supporting,</p> <p>21 encouraging, or recommending suicide or self-harm?</p> <p>22 A. Yes, I did.</p> <p>23 Q. Okay. These are just a few examples?</p> <p>24 A. Correct.</p> <p>25 Q. Do you know if Meta has ever warned parents</p>	<p style="text-align: right;">Page 407</p> <p>1 Q. And was she an Instagram user?</p> <p>2 A. Yes, she was.</p> <p>3 Q. Were the thousands, pieces of content</p> <p>4 primarily from Instagram?</p> <p>5 A. Yes, they were.</p> <p>6 MS. JONES: Just note my objection to</p> <p>7 foundation.</p> <p>8 BY MR. CARTMELL:</p> <p>9 Q. Did the coroner in that case find that</p> <p>10 Molly Russell's death by suicide was contributed to</p> <p>11 by Instagram?</p> <p>12 A. Yes.</p> <p>13 MS. JONES: Objection -- excuse me.</p> <p>14 Objection. Foundation and</p> <p>15 characterization.</p> <p>16 THE WITNESS: Yes, they did.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. Does the Molly Rose Foundation do research</p> <p>19 including testing related to how accessible suicide</p> <p>20 or self-injury content is on Instagram?</p> <p>21 A. Yes, they do.</p> <p>22 Q. And have you in your research and work as a</p> <p>23 online child safety expert reviewed that research?</p> <p>24 A. Yes, I have.</p> <p>25 Q. And do you find that to be reasonably</p>
<p style="text-align: right;">Page 406</p> <p>1 or the public of the ease of the access to material</p> <p>2 that recommends or encourages suicide or</p> <p>3 self-injury/harm?</p> <p>4 MS. JONES: Objection to form.</p> <p>5 Characterization.</p> <p>6 THE WITNESS: I don't believe Meta has</p> <p>7 warned parents about how easy this content is to</p> <p>8 find.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. I want to ask you, so you mentioned</p> <p>11 yesterday that you have done some work with the</p> <p>12 Molly Rose Foundation; is that right?</p> <p>13 A. Correct.</p> <p>14 Q. What is the Molly Rose Foundation?</p> <p>15 A. Molly Rose is a young girl who committed</p> <p>16 suicide. And her parent -- her dad and her parents</p> <p>17 took it to court, and they found in court that Molly</p> <p>18 had been recommended thousands of pieces of suicide</p> <p>19 content and that she was on her phone and that she</p> <p>20 put her phone down and took seven steps and took her</p> <p>21 own life.</p> <p>22 Q. Was that in the UK?</p> <p>23 A. Correct, that was in the UK.</p> <p>24 Q. Did she sometimes go by "Molly Russell"?</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">Page 408</p> <p>1 reliable?</p> <p>2 A. Yes, I have.</p> <p>3 Q. You've reviewed the methodologies that they</p> <p>4 use to determine whether or not there is easily</p> <p>5 accessible suicide and self-injury content on</p> <p>6 Instagram?</p> <p>7 A. Yes, I have.</p> <p>8 Q. Okay. I want to ask you about Exhibit 37.</p> <p>9 MR. CARTMELL: Did I -- did I screw up</p> <p>10 again?</p> <p>11 MS. JONES: No, I don't think you screwed</p> <p>12 anything up. You're good.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. Exhibit 37 is a -- an article or paper</p> <p>15 published by the Molly Rose Foundation and the</p> <p>16 Bright line Initiative [sic].</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. It's titled "Preventable yet pervasive."</p> <p>20 (As read):</p> <p>21 "The prevalence and characteristics</p> <p>22 of harmful content, including suicide and</p> <p>23 self-harm material, on Instagram, TikTok,</p> <p>24 and Pinterest."</p> <p>25 Do you see that?</p>

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<p style="text-align: right;">Page 409</p> <p>1 A. I do.</p> <p>2 Q. The date of this, if you look at the</p> <p>3 bottom, is November of 2023; is that right?</p> <p>4 A. That's correct.</p> <p>5 Q. And this is a paper that you have reviewed</p> <p>6 and have relied on in your work as a online child</p> <p>7 safety expert?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. In fact, did you send this report</p> <p>10 from the Molly Rose Foundation to Meta's oversight</p> <p>11 committee or oversight board?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Why did you do that?</p> <p>14 A. Because I think that this study did a good</p> <p>15 job of capturing how self-harm content, as the title</p> <p>16 says, is both preventable and pervasive. And I</p> <p>17 believe that in the case of Molly Russell that most</p> <p>18 of the content that she got recommended that</p> <p>19 contributed to her committing suicide is content</p> <p>20 that would still be up today and -- and --</p> <p>21 because -- because it gets recommended in some</p> <p>22 circumstances.</p> <p>23 Q. What's the oversight board for Meta?</p> <p>24 A. So the oversight board is a series of</p> <p>25 world-class experts of very diverse background,</p>	<p style="text-align: right;">Page 411</p> <p>1 self-harm while suffering depression and</p> <p>2 the negative effects of online content."</p> <p>3 Is that consistent with your understanding</p> <p>4 about the Molly Russell suicide?</p> <p>5 A. Yes.</p> <p>6 Q. If you will look at page dot 8, please. It</p> <p>7 states "Methodology" here. And it states (as read):</p> <p>8 "The research aims to assess the</p> <p>9 availability and prevalence of harmful</p> <p>10 content on three major social media</p> <p>11 services, Instagram, TikTok, and</p> <p>12 Pinterest."</p> <p>13 And then it states in the next paragraph</p> <p>14 (as read):</p> <p>15 "For each platform, our objective was</p> <p>16 to assess the prevalence of three main</p> <p>17 content types: Suicide-related content;</p> <p>18 self-harm related content; and material</p> <p>19 that contains themes of hopelessness,</p> <p>20 misery, or worthlessness."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. What does that mean?</p> <p>24 MS. JONES: Objection. Foundation.</p> <p>25 THE WITNESS: So when trying to understand</p>
<p style="text-align: right;">Page 410</p> <p>1 academics, I believe Nobel Prize winners, who help</p> <p>2 Meta review complex policy decisions.</p> <p>3 Q. Does Meta actually fund their oversight</p> <p>4 board?</p> <p>5 A. Yes, they do.</p> <p>6 Q. Do you know if Mark Zuckerberg is on that</p> <p>7 board?</p> <p>8 A. I don't off the top of my head.</p> <p>9 Q. Okay. At any rate, you have been retained</p> <p>10 by Meta's oversight board since you went public to</p> <p>11 make presentation to them; is that correct?</p> <p>12 A. That's correct.</p> <p>13 MS. JONES: Excuse me.</p> <p>14 Objection to the characterization.</p> <p>15 BY MR. CARTMELL:</p> <p>16 Q. All right. I want to ask you some things</p> <p>17 about this. Let's go to dot 4, please.</p> <p>18 There's a Summary. And it states</p> <p>19 (as read):</p> <p>20 "In November of 2023, Molly Russell</p> <p>21 would have celebrated her 21st birthday.</p> <p>22 Almost five years after Molly died, the</p> <p>23 senior coroner overseeing the inquest</p> <p>24 into her death recorded a narrative</p> <p>25 verdict that Molly died from an act of</p>	<p style="text-align: right;">Page 412</p> <p>1 what is the kind of content that could plant the</p> <p>2 seed or encourage a teenager to commit suicide,</p> <p>3 there are different kinds of that; right?</p> <p>4 And so there's what might be more clearly,</p> <p>5 like, self-harm-related content. But also, it is</p> <p>6 other content that is sort of very bleak, very</p> <p>7 hopeless, and misery and worthlessness, things like,</p> <p>8 you know, "The world is better off without me."</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. The next paragraph states (as read):</p> <p>11 "Across each of these categories,</p> <p>12 relevant content was deemed reasonably</p> <p>13 likely to be harmful if it promoted or</p> <p>14 glorified suicide and self-harm;</p> <p>15 referenced suicide methods; or if it</p> <p>16 referenced suicide ideation or themes of</p> <p>17 hopelessness, misery, or worthlessness in</p> <p>18 a way that posed an increased risk when</p> <p>19 watched cumulatively or in large volumes,</p> <p>20 for example, because of recommender</p> <p>21 algorithms or other high-risk design</p> <p>22 choices."</p> <p>23 What does that mean to you as an online</p> <p>24 child safety expert?</p> <p>25 MS. JONES: Objection. Foundation.</p>

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<p style="text-align: right;">Page 413</p> <p>1 THE WITNESS: It means that when you put 2 a -- a feed of -- a forced feed, right, of this kind 3 of content in a teenager's phone, that it can lead 4 to the teenager committing suicide. 5 BY MR. CARTMELL: 6 Q. If you go to the next page, please, dot 9, 7 it states (as read): 8 "This analysis was undertaken using 9 the generated data samples and through 10 follow-up examination of content on the 11 relevant sites. We examined this content 12 using social media accounts opened in the 13 identity of a 15-year-old girl." 14 So is this the methodology -- explaining 15 the methodology that the Molly Rose Foundation and 16 the Bright Initiative used in their research to 17 determine the amount of social media -- or, excuse 18 me, of -- of suicide and self-injury content on 19 Instagram? 20 MS. JONES: Objection to the form and 21 foundation. 22 MR. CARTMELL: I'll restate it. 23 BY MR. CARTMELL: 24 Q. Does this section talk about the 25 methodology the Molly Rose Foundation used in its</p>	<p style="text-align: right;">Page 415</p> <p>1 accessible and discoverable." 2 Do you see that? 3 A. Yes. 4 Q. And is that consistent with the findings 5 you had in your tests a year later? 6 MS. JONES: Objection. Form and 7 foundation. 8 THE WITNESS: Yes. 9 BY MR. CARTMELL: 10 Q. Take a look at dot 18, please. This is in 11 the Results section, and it states (as read): 12 "Overall, this would suggest that the 13 broad dynamics of suicide and 14 self-harm-related content have remained 15 largely unchanged over recent years; and 16 that despite high levels of public 17 scrutiny and multiple commitments from 18 Instagram to improve their response, 19 significant levels of potentially harmful 20 suicide and self-harm content remain 21 readily available and actively 22 discoverable." 23 Do you see that? 24 A. Yes. 25 Q. Has that actually been -- excuse me, and</p>
<p style="text-align: right;">Page 414</p> <p>1 research? 2 A. Yes. 3 Q. And did they open actually a test account, 4 sort of like you did, but their's was of a 5 15-year-old girl? 6 A. Yes. 7 Q. Okay. And then did they actually look at 8 what content they might get from certain searches? 9 A. Yes. 10 Q. Okay. If you go to dot 16, it states 11 "Suicide and self-harm risks on Instagram." 12 Do you see that? 13 A. Yes. 14 Q. (As read): 15 "Following the initial media coverage 16 of Molly's death, the platform announced 17 a number of changes to how it moderates 18 suicide and self-harm material." 19 And then it states (as read): 20 "However, our research shows that 21 while some of these changes have resulted 22 in welcome targeted impacts, substantial 23 concentrations of harmful content, 24 including suicide and self-harm-related 25 material, continue to be freely</p>	<p style="text-align: right;">Page 416</p> <p>1 has that actually been your experience in your 2 research and testing of Instagram's accounts for 3 kids? 4 A. Yes. 5 Q. If you look at dot 19, "Prevalence of 6 harmful content on Reels." (As read): 7 "Our research has found a 8 significantly greater prevalence of 9 harmful content on Instagram's short-form 10 video product, Reels, than on any other 11 part of this site." 12 Do you see that? 13 A. Yes. 14 Q. Is that your belief and experience as well? 15 A. Yes. 16 Q. (As read): 17 "As part of the research, we 18 undertook an analysis of 100 19 algorithmically recommended videos, each 20 of which were watched consecutively 21 through the autoplay function." 22 Do you see that? 23 A. Yes. 24 Q. (As read): 25 "Disturbingly, almost all of the</p>

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<p style="text-align: right;">Page 417</p> <p>1 content we were algorithmically shown</p> <p>2 (99 percent) contained material that</p> <p>3 promoted or glorified suicide or</p> <p>4 self-harm."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. This is dated November of 2023; is that</p> <p>8 right?</p> <p>9 A. That's correct.</p> <p>10 Q. And you sent this to Meta in 2024; is that</p> <p>11 right?</p> <p>12 A. That's correct.</p> <p>13 Q. Dot 21, please. "Findings." (As read):</p> <p>14 "Our research demonstrates clear</p> <p>15 evidence of systematic [sic] failures in</p> <p>16 Instagram's response to harmful suicide</p> <p>17 and self-harm content on its platform,</p> <p>18 with the inconsistent allocation [sic] of</p> <p>19 safety-by-design measures rolled out</p> <p>20 following the initial media coverage of</p> <p>21 Molly's death.</p> <p>22 "There has also been an evident</p> <p>23 ongoing failure to respond to agile and</p> <p>24 constantly changing harm mechanisms.</p> <p>25 These are explored in more detail below."</p>	<p style="text-align: right;">Page 419</p> <p>1 thing or other, depending on what you're typing, it</p> <p>2 will often offer up other tags that get you to the</p> <p>3 harmful content without you needing to know the --</p> <p>4 the misspelling of the tags.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. And are these posts that were found by this</p> <p>7 research by the Molly Russell foundation?</p> <p>8 A. Yes.</p> <p>9 Q. Explain what these reflect.</p> <p>10 A. So the first post -- oh, man. Sorry. It's</p> <p>11 Eeyore hanging himself on a tree with the quote</p> <p>12 (as read):</p> <p>13 "'You should -- you should have just</p> <p>14 cheered up,' Pooh said, as Tigger wept."</p> <p>15 The other post is a lot of pills, and it</p> <p>16 says (as read):</p> <p>17 "Oh pills, so colorful and pretty</p> <p>18 pills."</p> <p>19 Which, again, I believe encourages that.</p> <p>20 And then the -- the post, it mimics the</p> <p>21 kind of waiting that a computer gets you to do, but</p> <p>22 "Waiting for death..."</p> <p>23 Q. Are those the types of posts you believe,</p> <p>24 based on your expertise, can be harmful to kids?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 418</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And has that been consistent with your</p> <p>4 findings in your tests and research related to</p> <p>5 suicide and self-injury content on Instagram?</p> <p>6 A. Yes.</p> <p>7 Q. I want to take a look at some examples of</p> <p>8 what this research found.</p> <p>9 If you look at dot 27, it states (as read):</p> <p>10 "Hashtags including #suicidalthoughts</p> <p>11 (13.6 posts), #selfharmm," with an extra</p> <p>12 M, "and #selfharnn," with two Ns, "are</p> <p>13 not only available but contain a</p> <p>14 significant number of problematic and</p> <p>15 harmful results."</p> <p>16 Tell us what that means.</p> <p>17 MS. JONES: Objection. Foundation.</p> <p>18 THE WITNESS: So what that means is that if</p> <p>19 you -- if you start typing in, for example,</p> <p>20 "#selfharm," and you misspell it a little bit, then</p> <p>21 you end up in a -- in a feed, a scroll, of this kind</p> <p>22 of suicidal ideation content.</p> <p>23 And it is the case that the way that</p> <p>24 Instagram search is designed, it actually helps you</p> <p>25 do that, because if you start typing in "#self"</p>	<p style="text-align: right;">Page 420</p> <p>1 Q. Go to dot 31, please. This states above</p> <p>2 the pictures (as read):</p> <p>3 "Meta should urgently explore how it</p> <p>4 can adopt similar approaches, in a way</p> <p>5 that is sensitive to the needs of those</p> <p>6 posting content, but that also</p> <p>7 appropriately recognizes and responds to</p> <p>8 the substantive and reasonably</p> <p>9 foreseeable risks that such content may</p> <p>10 become harmful or dangerous to some users</p> <p>11 when consumed."</p> <p>12 Do you agree with that?</p> <p>13 A. Absolutely.</p> <p>14 Q. And what are these posts that are reflected</p> <p>15 below that?</p> <p>16 A. One of them is an image that shows a</p> <p>17 happier place after a noose.</p> <p>18 Q. After a noose?</p> <p>19 A. A noose where you can hang yourself.</p> <p>20 And then the other one says (as read):</p> <p>21 "Maybe life isn't for everybody."</p> <p>22 Q. What's your experience with how these posts</p> <p>23 like this can potentially be harmful to a little</p> <p>24 kid, a 13 year old or a 14 year old or a 15 year</p> <p>25 old?</p>

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<p style="text-align: right;">Page 421</p> <p>1 MS. JONES: Objection to the form and 2 foundation. 3 THE WITNESS: I believe that posts like 4 these, which individually might not seem so 5 terrible, but thousands of them recommended to a kid 6 could have a really profound impact on them. And 7 what I found, which is mentioned earlier in the 8 report, is that if you, for some reason, find this 9 kind of content, then Instagram's recommendation 10 algorithm is incredibly effective at recommending 11 similar content to you in a way that you cannot 12 defend yourself. And I have examples of that from 13 my testing. 14 BY MR. CARTMELL: 15 Q. So let me ask you this: If a parent looked 16 at Instagram's transparency page that says "suicide 17 and self-injury content on Instagram is very 18 infrequent," based on your expertise, could a parent 19 know that it was easily accessible, as this research 20 found? 21 MS. JONES: Objection to form and 22 foundation. 23 THE WITNESS: No, a parent can't know. You 24 look at that statement, and you think it's just not 25 available to your kid.</p>	<p style="text-align: right;">Page 423</p> <p>1 They're the demonstratives that had the comparison 2 between CSER and BEEF. 3 MS. JONES: I noted my objection to the 4 substantive back and forth. That's no problem. 5 (Marked for identification purposes, Bejar 6 Exhibits 40 through 42.) 7 MR. CARTMELL: I'm just glad you admitted 8 it was substantive. 9 MS. JONES: It was -- it was wrong. 10 But what -- I'm sorry, what number is this 11 one? This is 40. 12 MS. HUDNALL: That should be 40. 13 MS. JONES: Okay. 14 MR. CARTMELL: Okay. 15 MS. JONES: Forty-one? 16 MS. HUDNALL: Yep. Forty-one. 17 MS. JONES: Thank you. 18 Counsel, did you mark 38 and 39? 19 MR. CARTMELL: Yeah, I did. We're going to 20 do that right now. 21 MS. HUDNALL: They were part of that stack 22 (indicating). 23 MS. JONES: These (indicating)? 24 MS. HUDNALL: Yeah. 25 MS. JONES: Yeah. Okay. Thank you. Got</p>
<p style="text-align: right;">Page 422</p> <p>1 BY MR. CARTMELL: 2 Q. And based on your experience, do you 3 believe that Meta's statements publicly on its 4 Transparency Center related to suicide and 5 self-injury content are accurate? 6 MS. JONES: Objection. Foundation. 7 THE WITNESS: I believe they are not at all 8 accurate. I believe they are profoundly misleading, 9 dangerously misleading. 10 MR. CARTMELL: How long have we been going? 11 THE VIDEOGRAPHER: An hour 18. 12 MR. CARTMELL: Let's take a break. 13 THE VIDEOGRAPHER: The time is 10:26. 14 We're off the record. 15 (Recess taken from 10:26 to 10:45.) 16 THE VIDEOGRAPHER: The time is 10:45. 17 We're back on the record. 18 BY MR. CARTMELL: 19 Q. Mr. Bejar, we're back on the record after a 20 short break. 21 Are you ready to proceed? 22 A. Yes, I am. 23 MR. CARTMELL: I want to do a housekeeping 24 thing real quick here. We had demonstratives that 25 I'd like to mark as Exhibits 40, 41, and 42.</p>	<p style="text-align: right;">Page 424</p> <p>1 it. 2 (Discussion off the stenographic record.) 3 BY MR. CARTMELL: 4 Q. Mr. Bejar, I want to talk about Exhibits 38 5 and 39. Exhibit 39 is a clip sheet for Clip 76 that 6 we're going to play. 7 And before we do that, I'd like you to 8 explain what testing you did in Exhibit 38. 9 A. Okay. So I was -- I set up an adult 10 account in order to test in some instances parental 11 controls and in other instances messaging between 12 accounts and other safety features. 13 Q. Okay. So when you say you set up an adult 14 account, you wiped a phone clean and you set up an 15 account for somebody who was over 18? 16 A. That is correct. I got an iPad actually, 17 brand new, downloaded Instagram, most recent version 18 of the application, and then I created an account 19 for a 25-year-old male. 20 Q. Okay. You can continue. Thank you. 21 A. Okay. So one of the things that I found 22 when I did the testing is that -- so one of the 23 things that I -- that I read as one of the key 24 protections, which I think is a very important 25 protection, is that adults shouldn't be able to</p>

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<p style="text-align: right;">Page 425</p> <p>1 message minors if the minors [sic] doesn't follow 2 them back. 3 And so I created this account, and I 4 followed one of the -- my minor test accounts. So 5 every exchange I'm going to describe is going to be 6 between two test accounts. 7 Q. Your test accounts? 8 A. Yes. 9 Q. Okay. 10 A. That I created. 11 Q. In other words, you were not texting 12 somebody that you didn't know. They were both your 13 accounts? 14 A. Correct. 15 Q. Okay. 16 A. And so -- and so one of the things that I 17 tested was what happened when the minor account 18 posted a Reel, a post, or a story. And when the 19 minor account, which is what you see here, posted a 20 story, there's a little message box at the bottom. 21 And the adult account that is not followed by the 22 minor was able to write in the message box and start 23 a chat with the minor. That shouldn't be allowed 24 because the adult is not being followed by -- 25 followed back by the minor.</p>	<p style="text-align: right;">Page 427</p> <p>1 this? Was there any sort of message from Meta 2 saying to you or the kid's account that this should 3 not be looked at or viewed or is not appropriate or 4 anything like that? 5 MS. JONES: Objection to the form. 6 Foundation. 7 THE WITNESS: No. 8 BY MR. CARTMELL: 9 Q. What happened then? Did you try to report 10 it? 11 A. Yes. 12 Q. From your teen account? 13 A. Correct. 14 Q. What happened? 15 A. I believe the content was not acted on. 16 Q. Meaning what? 17 A. Meaning you get the message -- message back 18 saying "This does not violate our community 19 guidelines." 20 Q. So this type of message that you were 21 testing, didn't -- according to your experience in 22 the test -- didn't violate Meta's Instagram policy 23 guidelines? 24 MS. JONES: Objection. Foundation. 25 THE WITNESS: That's correct.</p>
<p style="text-align: right;">Page 426</p> <p>1 And once I realized that, I replicated that 2 in a couple of accounts, because of the test ones 3 that I have. And I also tested what happens if you 4 send a pretty aggressive message, because some of 5 the safety tools talk about how there are certain 6 things you shouldn't be able to say or if you try to 7 say them, you're going to get a warning when you try 8 to put them on. 9 And so I took this story that was posted by 10 the minor account, and in the UI provided to me by 11 Instagram on the adult account in the iPad, I wrote 12 "This is awful, and you should kill yourself" to be 13 sent to this test account of the minor and to see 14 what happened. And -- 15 Q. And this is reflecting the minor's account 16 that is your test account and the DM that you sent 17 from the adult account? 18 A. Yes. 19 Q. Okay. 20 A. Through the story feature. 21 Q. Okay. 22 A. Because I tried to use other interfaces, 23 and there's no message button. And so there weren't 24 ways of opening a conversation. 25 Q. Okay. So what happened after you sent</p>	<p style="text-align: right;">Page 428</p> <p>1 BY MR. CARTMELL: 2 Q. So if that's the case, would it show up in 3 Meta's prevalence metric that it presents to the 4 public on its transparency website? 5 MS. JONES: Same objection. 6 THE WITNESS: It would not. 7 BY MR. CARTMELL: 8 Q. This interaction where a teen is told to 9 kill herself isn't bullying or SSI, what does that 10 tell you about whether or not the prevalent -- 11 prevalence CSER reporting is misleading about the 12 risks on Instagram? 13 MS. JONES: Objection to the form. 14 THE WITNESS: It says that that report is 15 misleading because this is something that I believe 16 clearly should be included in transparency that the 17 company has, that Meta has. 18 BY MR. CARTMELL: 19 Q. And to -- in your experience, both 20 eight years at Meta and then in your experience as a 21 online child safety expert since then -- since then 22 in researching Instagram's accounts -- Instagram 23 accounts, have you ever seen any type of warning to 24 the public or to parents about that? 25 A. I have not.</p>

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<p style="text-align: right;">Page 429</p> <p>1 Q. Is that type of warning something that is 2 technically feasible for a company like Meta to do? 3 MS. JONES: Objection. Foundation. 4 THE WITNESS: Yes, it's technically easy 5 for a company to do. 6 BY MR. CARTMELL: 7 Q. In other words, they have the engineering 8 and technical know-how to give a warning about these 9 bad experiences kids are having on Instagram; is 10 that fair? 11 A. Yes. 12 Q. All right. Let's switch -- oh, I'm sorry. 13 We're not switching yet. I apologize. 14 You actually have a clip of what you did to 15 report this. Let's take a look at that. 16 (Whereupon, video played.) 17 BY MR. CARTMELL: 18 Q. What does that show us? 19 A. Yeah. So if you go back to the first 20 screen, what this is showing is I also tested what 21 happened between test accounts when you met certain 22 kinds of comments. 23 So the first comment is written in Spanish. 24 "You are a whore. Kill yourself now." And I was 25 testing to see if I got any warning when making that</p>	<p style="text-align: right;">Page 431</p> <p>1 A. That's correct. 2 Q. Tell us about that. 3 A. My -- whenever we spoke about her having 4 these kinds of experiences, I would always ask her, 5 "Did you report the content?" 6 And she always said, "Yes, I did," to this 7 date. 8 And I asked her, "Have you ever received 9 help from Instagram when reporting harassment or 10 sexual advances?" which she -- again, there's no 11 category for that. 12 And she said -- when asked, "Has Instagram 13 ever helped you with the issues you were 14 experiencing?" She said, "Not once." 15 Q. Has that been information that you have 16 included in developing your opinions related to the 17 safety of Instagram? 18 A. Yes. 19 Q. Okay. I think there's a little bit more to 20 this clip. 21 (Whereupon, video played.) 22 BY MR. CARTMELL: 23 Q. Okay. Tell us what we just watched, what 24 that reflected. 25 A. So I wanted to go through the different</p>
<p style="text-align: right;">Page 430</p> <p>1 comment. 2 Then the second one is a similar kind of 3 comment, which is, oh, just "This is so terrible. 4 You should kill yourself." 5 And then what you see above is (as read): 6 "Your support request from March 7th 7 was just updated." 8 Which is when I made the request saying 9 this -- reporting this as what I thought was the 10 appropriate category at the time. I believe I have 11 a video of the recording of the content. 12 And you get told, "No, this doesn't violate 13 community guidelines, so we're not going to act on 14 it." 15 Q. Okay. And you had experience from your 16 daughter, I believe, reporting multiple bad 17 experiences related to unwanted sexual advances and 18 harassment and not receiving reports; is that 19 correct? 20 A. That's correct. We would talk about that 21 and -- 22 Q. Let me -- 23 A. Sure. 24 Q. You had experience like this with your own 25 daughter; is that correct?</p>	<p style="text-align: right;">Page 432</p> <p>1 safety features and see what help was offered and 2 what resources that were available. 3 Q. And what did you find? 4 A. Again, this page that offered contacting a 5 help line, some suggestions from professionals 6 outside of Meta, and reaching out to a trusted 7 adult. 8 Q. Okay. I want to go to the BEEF results 9 that we looked at previously, page 21. And we'll 10 put it up on the screen here. 11 This is Exhibit 21, and the Results 12 section -- if we can enlarge that. 13 This has the -- I believe 22 negative 14 experiences on Instagram that were surveyed, 238,000 15 users; correct? 16 A. Correct. 17 Q. I don't see that addiction or problematic 18 use was surveyed by Meta during this survey; is that 19 correct? 20 A. That's correct. 21 Q. Why is that? 22 A. It was my understanding in conversations 23 that I had earlier that this is just something that 24 if you -- addiction was a topic that would bring a 25 lot of attention from executives if you kind of went</p>

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<p style="text-align: right;">Page 433</p> <p>1 there.</p> <p>2 And so I decided to -- for the sake of</p> <p>3 everything else in the survey -- to not approach</p> <p>4 that topic.</p> <p>5 Q. But is it fair to say that addiction or</p> <p>6 problematic use was something that you and the</p> <p>7 company knew about and that was happening to kids at</p> <p>8 that time?</p> <p>9 MS. JONES: Objection. Foundation.</p> <p>10 THE WITNESS: That's correct.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. And that was something that you as the</p> <p>13 child safety consultant to the well-being team</p> <p>14 wanted actually to be monitored and surveyed in the</p> <p>15 BEEF survey?</p> <p>16 A. Yes.</p> <p>17 Q. And you think it should be or should have</p> <p>18 been?</p> <p>19 A. Yes. And I discussed product interventions</p> <p>20 that would help gather that kind of data.</p> <p>21 Q. At this time, though, in September of 2021,</p> <p>22 was Meta monitoring kid's addiction or problematic</p> <p>23 use on Instagram that you know of?</p> <p>24 A. Not as far as I know.</p> <p>25 MS. JONES: Excuse me.</p>	<p style="text-align: right;">Page 435</p> <p>1 doesn't kick them out of the app; is that fair?</p> <p>2 A. That's correct.</p> <p>3 Q. In your experience, is that nearly as</p> <p>4 effective with kids?</p> <p>5 A. No, it isn't.</p> <p>6 Q. Okay. Go ahead.</p> <p>7 A. And then the other part of the conversation</p> <p>8 [sic] that I discussed with the well-being team</p> <p>9 during my tenure is that you could ask a teenager</p> <p>10 how they're doing after they've spent, let's say,</p> <p>11 45 minutes or an hour on the app and just ask really</p> <p>12 the right questions, like, "Are you -- are you</p> <p>13 feeling better? Are you feeling worse?"</p> <p>14 I mean, you -- this is the company that's</p> <p>15 incredible at creating features that teens want to</p> <p>16 engage with and use.</p> <p>17 So if you apply that playbook to something</p> <p>18 where a teenager has told you how they're doing, and</p> <p>19 they're like, "Oh, I'm not feeling so great," then</p> <p>20 just close the app right now and off you go, it</p> <p>21 could make a huge difference. And if you had a team</p> <p>22 who was focused on that, that was measured by the</p> <p>23 effectiveness of that intervention, of getting teens</p> <p>24 to effectively walk away from the app, then it could</p> <p>25 make a huge difference in terms of usage, I believe,</p>
<p style="text-align: right;">Page 434</p> <p>1 Note my objection. Foundation.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. And at this time, was Meta doing any</p> <p>4 effective work to prevent or substantially reduce</p> <p>5 addiction or problematic use as of that time?</p> <p>6 A. Not as far as I know.</p> <p>7 Q. You mentioned that you talked about</p> <p>8 effective prevention safety tools.</p> <p>9 What types of safety tools or features</p> <p>10 could have been implemented by Meta to prevent</p> <p>11 addiction or problematic use?</p> <p>12 MS. JONES: Objection. Foundation.</p> <p>13 THE WITNESS: I think two things would make</p> <p>14 a -- a really big difference. One of them is a way</p> <p>15 for a teenager to actually set a limit for</p> <p>16 themselves. And when I say "limit," I mean</p> <p>17 something that after you've spent some time that</p> <p>18 you've named, you actually get kicked out of the app</p> <p>19 and you cannot come back in until the next day.</p> <p>20 Though, what's currently in place called</p> <p>21 "Limit" is more reminders saying "You've spent an</p> <p>22 hour on the app," and you can just dismiss it.</p> <p>23 BY MR. CARTMELL:</p> <p>24 Q. Let me ask you about that.</p> <p>25 It's just a reminder? In other words, it</p>	<p style="text-align: right;">Page 436</p> <p>1 for -- for good.</p> <p>2 Q. Could you ever convince the leadership at</p> <p>3 Meta to do something like that for kids?</p> <p>4 A. I could not.</p> <p>5 Q. And that type of intervention or a</p> <p>6 playbook, as you described, safety tools and safe --</p> <p>7 let me restate it.</p> <p>8 Those types of safety tools and features</p> <p>9 that you say Meta could have implemented, when was</p> <p>10 that available and feasible for a company like Meta</p> <p>11 to do that?</p> <p>12 MS. JONES: Objection. Foundation and</p> <p>13 form.</p> <p>14 THE WITNESS: 2010.</p> <p>15 BY MR. CARTMELL:</p> <p>16 Q. At this time, in 2021, we're talking about</p> <p>17 when the BEEF results come back and addiction is not</p> <p>18 being monitored, has Meta warned the public,</p> <p>19 including kids or their parents, that there is an</p> <p>20 increased risk of addiction or problematic use from</p> <p>21 the use of Instagram?</p> <p>22 A. It had not.</p> <p>23 Q. Okay. You can put BEEF aside. I want to</p> <p>24 switch gears, and I want to ask you now, after you</p> <p>25 got the BEEF results and your team did, the</p>

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<p style="text-align: right;">Page 437</p> <p>1 well-being team, had the results, what did you set 2 out to do? 3 A. I realized that in order to -- well, what I 4 set out to do is I set out to brief the executive 5 team about the contents of BEEF, which means that 6 you have to go through a process of talking to 7 everybody between you -- most people between you and 8 the executive team, such that by the time you arrive 9 to Mark Zuckerberg or Chris Cox or Sheryl Sandberg, 10 people that work for them are aware of the issues, 11 and they are comfortable with the way you're 12 representing them. 13 Q. Did you actually gather a consensus from 14 the well-being team that, in fact, this was a very 15 significant and serious problem as far as kids' 16 safety on Instagram? 17 A. Yes, I did. 18 Q. I'm going to hand you Exhibit 43. 19 (Marked for identification purposes, Bejar 20 Exhibit 43.) 21 BY MR. CARTMELL: 22 Q. Exhibit 43 is a document that was produced 23 in this litigation from Meta, and actually, it came 24 from your files at Meta. 25 And if you look at the last page, I believe</p>	<p style="text-align: right;">Page 439</p> <p>1 some of the data, so it's not in here. 2 And then having done this for 30 years, you 3 create a draft, and then you talk to the people that 4 are working on these issues besides yourself, and 5 you ask them, "Is this accurate?" And that's what 6 this document is, is this process of vetting this 7 letter that was going to go to Adam. 8 Q. And we've talked about Adam, but 9 Adam Mosseri was the lead executive at Instagram; 10 correct? 11 A. That's correct. 12 Q. Okay. And did you work on this draft 13 letter with other members of the well-being team? 14 A. Yes. 15 Q. If you look at -- strike that. 16 Was the plan to send this same letter to 17 all of the Meta executives, or do you remember? 18 A. Yeah. I remember that what -- what I 19 realized was needed at this point was to send this 20 to Adam and then send it to Mark; right? They're 21 talking about that escalation process. That's very 22 important to follow so that nobody is surprised. 23 And then you check in with everybody and 24 you ask them, "Is this accurate? Is there anything 25 I should change?"</p>
<p style="text-align: right;">Page 438</p> <p>1 you are the author of this document; is that 2 correct? 3 A. That's correct. 4 Q. It states on the last page at the very 5 bottom that this document was created 6 September 14th, 2021; is that right? 7 A. That's correct. 8 Q. Now, at that time the BEEF results, the 9 unadjusted results, had come out; is that right? 10 A. That's correct. 11 Q. But the final results for BEEF were not yet 12 out; is that right? 13 A. That's correct. 14 Q. What was the purpose -- well, let's go to 15 the first page. 16 It's titled "Letter draft," and it is to 17 Adam Mosseri; is that correct? 18 A. That's correct. 19 Q. Tell us what this draft letter is. 20 A. So this is my escalation to the head of 21 Instagram, letting them know -- letting Adam Mosseri 22 know that there are, like, significant gaps in how 23 the company understands and addresses harm. 24 And so I created this draft letter that 25 covered many of the points. And I still didn't have</p>	<p style="text-align: right;">Page 440</p> <p>1 And then you go to the next level up. 2 Q. Did you, as of this time in September of 3 2021, have the support of the well-being team leads 4 to send this letter to the very top executives? 5 A. Yes, I did. 6 Q. Okay. And were the other members of the 7 well-being team, including the leads of the 8 Instagram well-being team, very concerned about the 9 safety of kids on Instagram? 10 MS. JONES: Objection. Foundation. 11 THE WITNESS: Yes. 12 BY MR. CARTMELL: 13 Q. Why -- strike that. 14 Were you going to be the signatory of this 15 draft letter? 16 A. Yes. 17 Q. Why was it that the well-being team chose 18 you to be the signatory of the letter to 19 Adam Mosseri and the other executives? 20 A. Because I had an extensive working 21 relationship with them, had their trust. And I was 22 very comfortable approaching them with these issues 23 and the knowledge that they were in the best 24 interests of the company and the best interests of 25 the people who used Instagram.</p>

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<p style="text-align: right;">Page 441</p> <p>1 Q. This draft letter that you started, if you 2 turn to page 2, under "Conversation History," 3 there's a list of names below that. And I counted 4 that. I think it's 19 individuals and you. 5 Who are those people? You don't have to 6 tell us every one, but I'm just saying in general, 7 who are these people? 8 A. Yeah. So it's -- at the -- at the bottom, 9 there's engineers and product managers within the 10 Instagram well-being team. 11 Then there's leads, the leads of the -- the 12 well-being team. 13 Then there are people from leadership -- 14 leadership of the central integrity team; and, of 15 course, user research, both Kyle and his manager. 16 So this is, again, people that were in 17 leadership roles for product and engineering for 18 well-being and then also in leadership roles for 19 central integrity. 20 Q. And all of these people, was it your 21 understanding, were in support of you that there 22 were significant harms occurring to kids on 23 Instagram? 24 MS. JONES: Objection. Foundation. 25 THE WITNESS: That is correct. Those</p>	<p style="text-align: right;">Page 443</p> <p>1 features that will help create a safer 2 community, as well as the kind of 3 measurement that helps us better measure 4 our work." 5 Is that what you said? 6 A. Yes. 7 Q. And what did you mean by that? 8 A. It means that I understood that if the 9 company set a goal to reduce unwanted advances, just 10 around that number, from the top, that it would 11 drive a lot of different features and ideas and 12 innovation that would effectively reduce that harm. 13 And then in order to do that work, M-team 14 had to drive that change. M-team -- the direction 15 had to come from Mark Zuckerberg, Sheryl Sandberg 16 and Chris Cox to say, "We want the number of 17 unwanted advances as reported by people on Instagram 18 to be under 1 percent," and immediately mountains 19 would start moving. And innovation would happen far 20 beyond what I could envision with the suggestions 21 that I had. 22 Q. The M-team was the management team, 23 including Mr. Zuckerberg and the other highest 24 executives? 25 A. That's correct.</p>
<p style="text-align: right;">Page 442</p> <p>1 people reviewed this, and I also had conversations 2 with them about this. 3 BY MR. CARTMELL: 4 Q. Did you make sure that the information you 5 provided in your draft letter, which became a final 6 letter to the executives, was accurate and correct? 7 A. Yes, to the best of my ability. I asked 8 everybody here if there were any inaccuracies or 9 anything I should change to please let me know, and 10 I worked through any feedback that I was given. 11 Q. If you go to the top of page 4, in fact, is 12 there a statement by you that reads (as read): 13 "Thank you for your -- for the 14 feedback. I think what I'm trying to 15 communicate is that it would be good to 16 change how we approach our measurement, 17 as well as different solutions. I did 18 make the choice of not making this a 19 survey of solutions. In my experience, 20 when I used to work with the M-team, 21 there is value to when you let them know 22 that something needs their support. My 23 goal in this is to help get resources and 24 funding into these areas and a mindset 25 that gets us faster to other kinds of</p>	<p style="text-align: right;">Page 444</p> <p>1 Q. Okay. And that was the purpose of this 2 letter, was to escalate it and convey that to the 3 M-team essentially? 4 A. Yes. To convey urgency and to request for 5 support. 6 Q. We're now in September of 2021, and you 7 still have not been able to obtain the support and 8 funding and resources needed to actually do the -- 9 the work to help protect kids on Instagram? 10 A. That's correct. 11 Q. A few paragraphs down at 9:42 p.m. -- 12 actually, I think it's four paragraphs down, I want 13 to ask you about that. 14 [REDACTED]; is that right? 15 A. I'm not sure I want to venture saying her 16 last name. 17 Q. Okay. [REDACTED] has an entry here that says 18 (as read): 19 "I think this specific example, but 20 also some of the others across the note, 21 point to a -- bad experiences with 22 interactions on Instagram-interactions in 23 comments and messages." 24 We just looked at interactions between 25 adults and little kids who were dancing and things</p>

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<p style="text-align: right;">Page 445</p> <p>1 in messages and comments; correct?</p> <p>2 MS. JONES: Objection to the form.</p> <p>3 THE WITNESS: Correct.</p> <p>4 BY MR. CARTMELL:</p> <p>5 Q. [REDACTED] says (as read):</p> <p>6 "We know that this is an area of</p> <p>7 major concern for us where even</p> <p>8 policy-violating experiences are not,</p> <p>9 quote, taken care of, quote."</p> <p>10 What does that mean to you?</p> <p>11 A. That it was known by the Instagram</p> <p>12 well-being leads that in comments and messages,</p> <p>13 there were instances of policy-violating harm that</p> <p>14 were not being addressed.</p> <p>15 Q. Did Meta's leadership ever warn the public</p> <p>16 about that?</p> <p>17 A. They did not.</p> <p>18 Q. Miki Rothschild gives you feedback at the</p> <p>19 dot 5 at the bottom; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Who is Miki Rothschild at this time?</p> <p>22 A. At this time he was the head of product for</p> <p>23 well-being for Instagram.</p> <p>24 Q. So he's actually the leader of the</p> <p>25 well-being team?</p>	<p style="text-align: right;">Page 447</p> <p>1 this problem?</p> <p>2 A. Yes, I am.</p> <p>3 Q. (As read):</p> <p>4 "I know that you and the rest of the</p> <p>5 leadership team deeply care about the</p> <p>6 people we serve and the communities we</p> <p>7 are trying to nurture, yet there are many</p> <p>8 challenges. I would like to bring to</p> <p>9 your attention that today we don't</p> <p>10 understand or have solutions that improve</p> <p>11 the community for most of the bad</p> <p>12 experiences people have on Instagram."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Then you say (as read):</p> <p>16 "I believe that this gap is</p> <p>17 responsible for the cycles of finding new</p> <p>18 classes of harmful content through the</p> <p>19 outside and some of the concerns people</p> <p>20 have about our services."</p> <p>21 What are you referring to?</p> <p>22 A. I'm referring to that -- up to that point</p> <p>23 and afterwards, the way the harms come to light is</p> <p>24 like a press article or some major external event,</p> <p>25 and that people have been voicing concerns about</p>
<p style="text-align: right;">Page 446</p> <p>1 A. Miki Rothschild and [REDACTED] are the</p> <p>2 leaders of the well-being team.</p> <p>3 Q. He says (as read):</p> <p>4 "Perhaps you mean to say that we</p> <p>5 don't have operational metrics for them,</p> <p>6 and the strategy being pursued (reduce)</p> <p>7 is incomplete and not the right one?"</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. He's giving you feedback saying that the</p> <p>11 strategy as it exists right now is not appropriate;</p> <p>12 is that fair?</p> <p>13 A. Yes.</p> <p>14 Q. All right. Let's look at the draft letter.</p> <p>15 You say, going to the first page (as read):</p> <p>16 "Dear Adam, it's been almost two</p> <p>17 years since I started supporting the</p> <p>18 well-being team at Instagram. During</p> <p>19 that time and through my conversations</p> <p>20 with people, I have found what, in my</p> <p>21 experience, is the most important thing</p> <p>22 for the company to be working on."</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. Are you trying to express the urgency to</p>	<p style="text-align: right;">Page 448</p> <p>1 Instagram for some time now that could be addressed</p> <p>2 if they were a priority for Instagram leadership and</p> <p>3 for Meta.</p> <p>4 Q. You then say (as read):</p> <p>5 "Fifty-one percent of Instagram users</p> <p>6 say, 'yes,' to having experienced one or</p> <p>7 more of the TRIPS questions."</p> <p>8 The TRIPS questions are another survey; is</p> <p>9 that right?</p> <p>10 A. That's correct.</p> <p>11 Q. (As read):</p> <p>12 "One percent of those report, and</p> <p>13 2 percent of the reports have the content</p> <p>14 taken down. Of 10,000 people who have</p> <p>15 had a bad experience on Instagram, 100</p> <p>16 report, and 2 get the content taken</p> <p>17 down."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. We discussed that yesterday, that, in fact,</p> <p>21 you had a demonstration that showed that 9,998 of</p> <p>22 the 10,000 bad experiences were not acted on by</p> <p>23 Instagram; is that correct?</p> <p>24 MS. JONES: Objection. Characterization.</p> <p>25 Foundation.</p>

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<p style="text-align: right;">Page 449</p> <p>1 THE WITNESS: That's correct. 2 BY MR. CARTMELL: 3 Q. If you go down several -- three paragraphs 4 or four paragraphs, it says (as read): 5 "Today most of the areas we are 6 investing in make bad experiences less 7 visible: Hide/delete/downrank/ 8 block/personalize/unfollow." 9 What do you mean by that? 10 A. I mean that in Instagram, the application, 11 the tools that are made available at the time are 12 kind of magic ones that make the bad thing disappear 13 from you. But, like, the person who posted it, as 14 far as they know, the content is still up. 15 So it basically does not help the community 16 get safer by letting people know that they've 17 participated in harmful interactions. 18 Q. And then at the bottom you actually talk 19 about getting funding to support work; is that 20 correct? 21 If you go down, the last paragraph, it says 22 (as read): 23 "I believe that it is important to 24 get the following efforts well-funded and 25 prioritized."</p>	<p style="text-align: right;">Page 451</p> <p>1 people were experiencing and develop the means of 2 preventing that harm, I was not able to do that 3 because it was near impossible to get work that 4 didn't have to do with prevalence resourced. And it 5 was my understanding at this point that that 6 direction to focus on prevalence as harm came all 7 the way from the top. 8 And the only way to create a culture that 9 substantively reduced the harm that teens were 10 experiencing on Instagram was if Adam, with the 11 support of Mark Zuckerberg, took a stand and said, 12 "This is not an environment where we will allow 13 unwanted sexual advances, body-image content, 14 suicide content." All of these problems are very 15 workable if they are a priority. 16 Q. Who was the person at Meta -- which by this 17 time was over 2 billion users, wasn't it? 18 A. Correct. 19 Q. And was making billions of dollars; 20 correct? 21 A. Correct. 22 Q. Who was the person at the company that 23 could and did influence the culture? 24 MS. JONES: Objection to the form. 25 THE WITNESS: Mark Zuckerberg.</p>
<p style="text-align: right;">Page 450</p> <p>1 Do you see that? 2 A. Correct. 3 Q. And then you list, for example, the first 4 bullet (as read): 5 "What is the content that is causing 6 bad experiences for our users? How 7 intense is the experience?" 8 We've talked a lot about that; is that 9 correct? 10 A. Yes. 11 Q. Is this the safety framework that you 12 discussed that you were trying to get Meta 13 leadership to put in place to help protect kids? 14 A. Yes, it is. 15 Q. You then -- when you wrap up, you say 16 (as read): 17 "If you would like, I can give more 18 details or specifics on this. I am 19 appealing to you because I believe -- 20 because I believe that working this way 21 will require a culture shift." 22 What did you mean by that? 23 A. I meant that after two years of trying to 24 work with the well-being team on implementing 25 features that help us understand the harm that</p>	<p style="text-align: right;">Page 452</p> <p>1 BY MR. CARTMELL: 2 Q. I'm going to hand you Exhibit 54. 3 MS. HUDNALL: Forty-four. 4 MR. CARTMELL: Oh, strike that. I'm going 5 to hand you Exhibit 44. 6 (Marked for identification purposes, Bejar 7 Exhibit 44.) 8 BY MR. CARTMELL: 9 Q. Mr. Bejar, the draft letter that we just 10 reviewed that you worked on with 19 other members of 11 the well-being team, did that become the final 12 letter that you ended up sending to Mr. Mosseri and 13 other executives? 14 A. I believe so. I did other versions of it 15 as I went up. 16 Q. Okay. Exhibit 44 is an e-mail string from 17 your files at Meta that was produced in this 18 litigation. 19 Do you understand that? 20 A. Yes. 21 Q. And I want to ask you a few questions about 22 this. 23 This is dated September 20th, 2021, at the 24 bottom e-mail you send to Adam Mosseri; is that 25 correct?</p>

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<p style="text-align: right;">Page 453</p> <p>1 A. That's correct.</p> <p>2 Q. And you say (as read):</p> <p>3 "Hi Adam, it's been almost two years</p> <p>4 since I started supporting the well-being</p> <p>5 team at Instagram. During that time and</p> <p>6 through my conversations with people, I</p> <p>7 have found what, in my experience, is the</p> <p>8 most important thing for Instagram to be</p> <p>9 working on. I think it is something that</p> <p>10 needs your attention and leadership.</p> <p>11 I've written it up here."</p> <p>12 And then it looks like there is a link; is</p> <p>13 that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And in that link is the letter that we</p> <p>16 looked at in draft form but was sent to Adam in</p> <p>17 final form?</p> <p>18 A. Correct.</p> <p>19 Q. You say in the second paragraph here</p> <p>20 (as read):</p> <p>21 "My goal in sharing this is to</p> <p>22 support the well-being team, which is</p> <p>23 such a wonderful team, with an approach</p> <p>24 to measurement and a charter of visible</p> <p>25 products that help maintain a self --</p>	<p style="text-align: right;">Page 455</p> <p>1 Q. Okay. Read the last sentence, if you</p> <p>2 would, please.</p> <p>3 A. (As read):</p> <p>4 "My goal in sharing this is to</p> <p>5 support the well-being team, which is</p> <p>6 such a wonderful team, with an approach</p> <p>7 of measurement and a charter of visible</p> <p>8 products that help maintain a safe and</p> <p>9 supportive community. I would ask, based</p> <p>10 on my time and experience I have with</p> <p>11 Facebook and Instagram, if I could please</p> <p>12 have some time with you to discuss."</p> <p>13 Sorry. I added the "please" there.</p> <p>14 (As read):</p> <p>15 "If I could have some time with you</p> <p>16 to discuss."</p> <p>17 Q. Why did you reference your time and</p> <p>18 experience that you had at Facebook and Instagram?</p> <p>19 A. This was my way of saying, you know, of</p> <p>20 those six years that I spent protecting and taking</p> <p>21 care through the teams that I managed, everybody who</p> <p>22 used Instagram and Facebook and worked during that</p> <p>23 time, I beg of you, please spend some time with me</p> <p>24 because I think this is the most important thing</p> <p>25 that the company needs to be working on.</p>
<p style="text-align: right;">Page 454</p> <p>1 safe and supportive community."</p> <p>2 What did you mean "a charter of visible</p> <p>3 products"?</p> <p>4 A. I said -- I -- I meant that in order to</p> <p>5 help make a community safer, it's really important</p> <p>6 for there to be many safety features that are</p> <p>7 visible to the community that foster certain kinds</p> <p>8 of behavior, like respectful comments, the kinds of</p> <p>9 messages that you should send -- whether you should,</p> <p>10 for example, be able to send an unwanted sexual</p> <p>11 advance or a threat over DMs.</p> <p>12 Q. And as of this time, you had, I take it,</p> <p>13 done an assessment of the safety features on</p> <p>14 Instagram?</p> <p>15 A. Yes, I had.</p> <p>16 Q. Had you seen that the safety features on</p> <p>17 Instagram -- strike that.</p> <p>18 What was your opinion about the</p> <p>19 effectiveness of the safety features and tools on</p> <p>20 Instagram at that time?</p> <p>21 A. That they were not effective because they</p> <p>22 were opt in. They required, in some instances, a</p> <p>23 lot of work by the users.</p> <p>24 And then the end result was hiding things</p> <p>25 in a way that doesn't make the community safer.</p>	<p style="text-align: right;">Page 456</p> <p>1 Q. It looks like you waited three days, did</p> <p>2 not hear back, and you e-mailed him again; is that</p> <p>3 right?</p> <p>4 A. Correct.</p> <p>5 Q. And then what was Mr. Mosseri's response to</p> <p>6 you when you were asking him on multiple occasions</p> <p>7 if he could meet with you?</p> <p>8 A. That he was pretty under water right now</p> <p>9 with a few big things, but he would try and read</p> <p>10 what I sent him.</p> <p>11 Q. Okay. Following this e-mail in September</p> <p>12 to Mr. Mosseri and sending him the draft letter, did</p> <p>13 you subsequently send that same draft letter to</p> <p>14 Mr. Cox?</p> <p>15 A. I believe I did, yes.</p> <p>16 Q. And did you actually have a conversation</p> <p>17 with Mr. Cox about your concerns with the safety of</p> <p>18 kids on Instagram?</p> <p>19 A. Correct. Unlike Adam Mosseri, when I</p> <p>20 reached out to Chris Cox, he was like, "Let's talk</p> <p>21 tomorrow morning."</p> <p>22 And so the next day I had a phone call with</p> <p>23 him.</p> <p>24 Q. Tell us about that phone call.</p> <p>25 A. So the way that I had been approaching</p>

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<p style="text-align: right;">Page 457</p> <p>1 conversations around the gap between prevalence and 2 the numbers that we found is I would ask people, "Do 3 you know what the prevalence of this particular 4 issue is?" And they would quote the number 5 reasonably precisely. 6 And then I would ask, "Do you know what 7 the -- what the -- when we asked users if they've 8 experienced that issue, what percentage of them say, 9 'yes,' in the last seven days?" And most people I 10 spoke to working on these issues did not know what 11 people would say, "yes," to and then were very 12 surprised to hear, "Oh, like 20 percent or 13 30 percent of people said, 'yes,' in the last 14 seven days." 15 And then I would ask, "Do you understand 16 what that gap is?" Because this is at the heart of 17 everything we're talking about today. 18 Unlike anybody else with whom I had the 19 conversation, when I asked Chris Cox, "Do you know 20 what percentage of a particular harm people are 21 experiencing?" Chris immediately off the top of his 22 head quoted something that was within a couple of 23 percentage points of what BEEF had found, which is 24 also within the realm of what TRIPS was showing 25 which is also within the realm of what the</p>	<p style="text-align: right;">Page 459</p> <p>1 that need to change. And he was like, "Yeah, I'll 2 make sure that I tell Guy about it," Guy who was the 3 head of central integrity, and that was the end of 4 that call. 5 Q. Were you surprised by the fact that Mr. Cox 6 actually knew about those numbers in BEEF or the 7 results from 238,000 Instagram users reflecting a 8 high rate of bad experiences? 9 A. Yes, I was very surprised. My working 10 assumption throughout everything that we've talked 11 about on my time was that the reason that Instagram 12 was not working on effective features to reduce harm 13 and was not studying the harm as it was imposing on 14 the product was because there was a disconnect 15 between the people on the ground and the executive 16 team. 17 And so then I took all the care that I had, 18 all of -- in 30 years working as a senior person on 19 safety, security, these issues, to craft the data 20 argument that was very exceptionally well crafted, 21 very thorough, big enough so that it would be an 22 accurate representation of what was going on at 23 Instagram. 24 And they believed that the moment that the 25 executive team became aware of these numbers, they</p>
<p style="text-align: right;">Page 458</p> <p>1 Negative Experience Survey was showing. 2 And I -- I found that pretty staggering 3 because, I mean, I -- I believe it is his 4 responsibility and Mark's responsibility to provide 5 a safe environment, in particular, to kids. And if 6 I was aware of these numbers, like every day I 7 showed up to work, my first meeting would be, "How 8 are we doing on these numbers? Do we understand 9 what's driving them? What features do we have going 10 on? And how can I support the work that you're 11 doing to reduce those numbers?" 12 I mean, that's what it means to be a 13 priority, is you get direct attention of the most 14 senior people. You get resources. You get -- you 15 have the wind on your back, the way Reels did that 16 when I was there. 17 And so to realize that the head of product 18 for Meta was aware of these numbers and was like, 19 "Yeah, so -- so what -- what" -- I mean, yeah. 20 Yeah. 21 And I was like, "So what do we do about 22 it?" 23 And then I described to him some of the 24 things that I talk about on the list, which is sort 25 of understanding, sort of, visible products, things</p>	<p style="text-align: right;">Page 460</p> <p>1 would engage with them in a similar way to each time 2 I did something like this in my first stint, which 3 is like Chris does, "Let's talk tomorrow. Let's go 4 through the numbers. Help me understand. Let's do 5 work that makes this better." 6 Q. Now, Meta did have some, what they called, 7 safety tools and features on Instagram as of 8 September of 2021; is that right? 9 A. That's correct. 10 Q. You assessed those; correct? 11 A. Correct. 12 Q. And what was your opinion about whether 13 they were actually effective? 14 A. They were not effective at reducing the 15 harm that people were experiencing on the platform. 16 Q. After talking to Mr. -- strike that. 17 You provided the BEEF initial results to 18 Mr. Mosseri and Mr. Cox; is that correct? 19 A. That's correct. As soon as I had them, 20 like when Kyle said, "This is okay for you to send," 21 again, everybody saw that these were going up, I -- 22 where -- whenever I was working on these issues, my 23 responsibility was, the moment that you're aware of 24 a material or critical issue for the company -- 25 ///</p>

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<p style="text-align: right;">Page 461</p> <p>1 (Stenographer interrupted for clarification 2 of the record.) 3 THE WITNESS: When you're aware of a 4 material or critical issue for the company, you have 5 to bring that to the attention of the executives 6 with the data that you have at that moment in time. 7 BY MR. CARTMELL: 8 Q. Okay. And there is -- is there what's 9 called adjusted and unadjusted data from the BEEF 10 survey? 11 A. That is correct. 12 Q. Explain what that means. 13 MS. JONES: Objection. Foundation. 14 THE WITNESS: So Kyle, the researcher who 15 worked on BEEF, realized that there was an 16 adjustment he needed to do on calculating the 17 numbers for age based on denominators. I can 18 explain in detail if needed. 19 But at some point Kyle reached out to me 20 and said, "Here are the adjusted numbers." And 21 those were the numbers that I used from that point 22 on. 23 BY MR. CARTMELL: 24 Q. Okay. But when the unadjusted numbers -- 25 meaning the non, not final numbers -- of data from</p>	<p style="text-align: right;">Page 463</p> <p>1 (Marked for identification purposes, Bejar 2 Exhibit 45.) 3 BY MR. CARTMELL: 4 Q. Mr. Bejar, I've handed you Exhibit 45, 5 which is an e-mail string including an e-mail to -- 6 from you to Mark Zuckerberg on October 5th, 2021. 7 Do you see that? 8 A. Yes. 9 Q. And this, I will represent to you, came 10 from the files at Meta in this lawsuit. 11 Do you understand that? 12 A. Yes. 13 Q. Now, I want to sort of set the scene or put 14 into context when you set this -- sent this e-mail 15 to Mr. Zuckerberg. 16 This is October 5th of 2021. So this is 17 literally two years after you arrived as Meta's 18 safety consultant to the well-being team; correct? 19 A. Correct. 20 Q. And you were hired to actually look into 21 the safety of Instagram with the well-being team and 22 hired to give recommendations, advice, about how to 23 make Instagram a safe place for users, including 24 kids; is that right? 25 A. That's correct.</p>
<p style="text-align: right;">Page 462</p> <p>1 BEEF came out, did you go ahead and send those to 2 the executives? 3 A. Yes. 4 Q. And then did you subsequently send the 5 adjusted numbers when they came? 6 A. Yes. 7 Q. Were the unadjusted and adjusted numbers or 8 data from the BEEF survey of almost 238,000 9 Instagram users equally alarming to you? 10 A. Yes. 11 Q. And so ultimately did you send this draft 12 letter that you had worked on with 19 others from 13 the well-being team to Mr. Zuckerberg? 14 A. A version of it, yes, I did. 15 Q. Did you change some things in the letter? 16 A. Yes, I did. 17 Q. Did you add some things to the e-mail you 18 sent to him? 19 A. Yes, I did. 20 Q. And with respect to what you communicated 21 to Mr. Zuckerberg, was that communication by e-mail? 22 A. Correct. 23 Q. Okay. I'm going to hand you what's been 24 marked as Exhibit 45. 25 ///</p>	<p style="text-align: right;">Page 464</p> <p>1 Q. During that two years you were trying to 2 convince well-being's leadership to provide 3 appropriate resources, funding, and support to make 4 Instagram a safe place; is that right? 5 A. I was trying to convince Instagram 6 leadership to provide the well-being team with 7 resources to do the work. 8 Q. And in these two years leading up to the 9 e-mail that you sent to Mr. Zuckerberg on 10 October 5th, had you been able to achieve the 11 appropriate amount of funding and support and 12 resources? 13 A. I had not. 14 Q. At this point are you sending an e-mail to 15 the number one executive at Meta? 16 A. Yes. 17 Q. Had you had a working relationship with 18 Mr. Zuckerberg prior to this time? 19 A. Yes. 20 Q. During your first stint, six years from 21 2009 to 2015, did you work closely with 22 Mr. Zuckerberg? 23 A. Yes. 24 Q. And during that period of time, did you 25 have a good working relationship?</p>

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<p style="text-align: right;">Page 465</p> <p>1 A. Yes, we did.</p> <p>2 Q. Did he rely on you for very critical safety</p> <p>3 issues and helping to resolve those?</p> <p>4 A. Yes.</p> <p>5 Q. Were you nervous about sending this e-mail</p> <p>6 to Mr. Zuckerberg on October 5th, 2021, and telling</p> <p>7 him that there was a gap in his understanding and</p> <p>8 the company's understanding of the harms that were</p> <p>9 going on on Instagram?</p> <p>10 A. Yes, I was nervous.</p> <p>11 Q. Why is that?</p> <p>12 A. I was really hoping that the company would</p> <p>13 really embrace the diminish- -- sort of addressing</p> <p>14 these harms, and I felt that the harms were really</p> <p>15 critical. And, I mean, it's kind of a big deal to</p> <p>16 send an e-mail like this. And even though I had</p> <p>17 done so much work to do it, I mean, if you look at</p> <p>18 the time, it's like almost 10:00 p.m. at night. But</p> <p>19 it was what was needed in order to help reduce harm,</p> <p>20 in particular, for teens, which is why I emphasize</p> <p>21 that in the message.</p> <p>22 And so I wrote the e-mail. I reviewed it</p> <p>23 many times after having it vetted. And then I</p> <p>24 clicked "Send."</p> <p>25 Q. The information contained in your e-mail to</p>	<p style="text-align: right;">Page 467</p> <p>1 to bring your attention what I believe is</p> <p>2 a critical gap in how we as a company</p> <p>3 approach harm and how the people we serve</p> <p>4 experience it. I've raised this to</p> <p>5 Chris, Sheryl, and Adam in the last</p> <p>6 couple of weeks."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Now, you're talking about testimony.</p> <p>10 What testimony are you talking about there?</p> <p>11 A. Oh, it was the -- the -- Frances Haugen's</p> <p>12 testimony.</p> <p>13 Q. We have mentioned Frances Haugen, but</p> <p>14 remind the jury who Frances Haugen is, please.</p> <p>15 A. Frances Haugen was a product manager that</p> <p>16 used to work in civic integrity at Facebook. And</p> <p>17 through her, this thing called the "Facebook files"</p> <p>18 came out that included significant research about</p> <p>19 harm that teens were experiencing on Instagram.</p> <p>20 Q. She testified, it seems like, on that day;</p> <p>21 is that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And was she, in general, testifying that</p> <p>24 there was research within the company's files</p> <p>25 showing that there was an association between harms</p>
<p style="text-align: right;">Page 466</p> <p>1 Mr. Zuckerberg, was this information primarily that</p> <p>2 you had vetted with the other members of the</p> <p>3 well-being team?</p> <p>4 A. Yes.</p> <p>5 Q. And you had the authority to send it</p> <p>6 speaking on the entire well-being team's behalf?</p> <p>7 A. Yes.</p> <p>8 Q. Including the leads, [REDACTED] and</p> <p>9 Miki Rothschild?</p> <p>10 A. Absolutely.</p> <p>11 Q. Let's look at the e-mail.</p> <p>12 It's from you and the subject is "Gap in</p> <p>13 our understanding of harm and bad experiences" to</p> <p>14 Mr. Mark Zuckerberg, and you cc Sheryl Sandberg,</p> <p>15 Chris Cox, Adam Mosseri; is that correct?</p> <p>16 A. Yes. All of them had been pre-briefed.</p> <p>17 Q. You had already talked to each of them</p> <p>18 about your concerns?</p> <p>19 A. Correct.</p> <p>20 Q. And you had already sent each of them the</p> <p>21 draft letter; correct?</p> <p>22 A. Correct.</p> <p>23 Q. You say (as read):</p> <p>24 "Dear Mark, I saw the note you shared</p> <p>25 today after the testimony, and I wanted</p>	<p style="text-align: right;">Page 468</p> <p>1 to kids and Instagram?</p> <p>2 MS. JONES: Objection. Form.</p> <p>3 Characterization. Foundation.</p> <p>4 MR. CARTMELL: I'll restate it.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. And was the general nature of</p> <p>7 Frances Haugen's testimony that Meta had research in</p> <p>8 its files showing that kids were being harmed by</p> <p>9 using Instagram?</p> <p>10 A. Yes.</p> <p>11 MS. JONES: Excuse me.</p> <p>12 THE WITNESS: Oh, sorry.</p> <p>13 MS. JONES: Same objections.</p> <p>14 No, no. That's okay.</p> <p>15 Go ahead.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. You during this actually state to him</p> <p>19 (as read):</p> <p>20 "I want to start by saying that my</p> <p>21 personal experience and what I believe is</p> <p>22 that you and the M-team care deeply about</p> <p>23 everyone we serve, and my goal is sending</p> <p>24 this -- in sending this is to be of</p> <p>25 service to that."</p>

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<p style="text-align: right;">Page 469</p> <p>1 What did you mean by that?</p> <p>2 A. I meant that my experience of working with</p> <p>3 him and the rest of the M-team during my first stint</p> <p>4 is that they cared about the people who used</p> <p>5 Facebook and Instagram, and that I believe that they</p> <p>6 would act in response to something like this in</p> <p>7 order to reduce harm because at that time I thought</p> <p>8 that they cared.</p> <p>9 Q. And your next paragraph talks about the</p> <p>10 action rate and essentially that -- what we've</p> <p>11 talked about, 98 percent don't have any action</p> <p>12 taken, meaning Instagram users who report bad</p> <p>13 experiences; is that right?</p> <p>14 A. Correct.</p> <p>15 Q. And then you tell him in the next paragraph</p> <p>16 that you don't think that the current system of</p> <p>17 focusing on enforcement of the community standards</p> <p>18 is protecting people, including kids on Instagram;</p> <p>19 is that right?</p> <p>20 A. That is correct.</p> <p>21 Q. If you turn to page 2, you actually</p> <p>22 provided some data from the unadjusted data from</p> <p>23 BEEF; is that right?</p> <p>24 A. That's correct.</p> <p>25 Q. And you were pointing out the data from the</p>	<p style="text-align: right;">Page 471</p> <p>1 boys too since the age of 14, and her</p> <p>2 tool is to block them. I asked her why</p> <p>3 boys keep doing that? She said if the</p> <p>4 only thing that happens is they get</p> <p>5 blocked, why wouldn't they?"</p> <p>6 Why did you give that example about your</p> <p>7 daughter to Mr. Zuckerberg?</p> <p>8 A. Because when we talk about unwanted</p> <p>9 advances, I mean, this is what we're talking about.</p> <p>10 It's a -- it's a 14-year-old girl receiving a penis</p> <p>11 picture from somebody she doesn't know and then not</p> <p>12 being able to raise that to the attention of the</p> <p>13 company so that then they can employ measures,</p> <p>14 effective measures at reducing that in other</p> <p>15 contexts because they know it's unwanted. And if</p> <p>16 all she can do is block them she said, they just</p> <p>17 laugh it off and move on to the next person.</p> <p>18 So it creates an environment that's</p> <p>19 inherently unsafe.</p> <p>20 Q. By including the example of the bad</p> <p>21 experiences that you had -- that your daughter had</p> <p>22 had, were you trying to demonstrate the real-life</p> <p>23 severity of the problems with safety on Instagram?</p> <p>24 A. That's correct. I have always, in my</p> <p>25 career, found if this happens to one person, it's</p>
<p style="text-align: right;">Page 470</p> <p>1 13 to 15-year-old age group from BEEF; is that</p> <p>2 right?</p> <p>3 A. That's correct.</p> <p>4 Q. Why were you doing that?</p> <p>5 A. Because you have to protect kids, like</p> <p>6 young kids. It's so critical. And I thought it was</p> <p>7 urgent to bring these numbers to his attention so</p> <p>8 there could be a meaningful investment in reducing</p> <p>9 the harm that kids were experiencing on Instagram.</p> <p>10 Q. Did you believe that these types of</p> <p>11 statistics or data from the BEEF study would make</p> <p>12 Mr. Zuckerberg alarmed or shocked?</p> <p>13 A. Yes. I think that these numbers or the</p> <p>14 adjusted numbers are more than enough to highlight a</p> <p>15 material or a critical gap in a critical area for</p> <p>16 the company.</p> <p>17 Q. In the next paragraph, you say -- or strike</p> <p>18 that.</p> <p>19 In the next paragraph, you give an example</p> <p>20 of some of the bad experiences your daughter has</p> <p>21 had; is that right?</p> <p>22 A. That's correct.</p> <p>23 Q. And you say (as read):</p> <p>24 "Another example is unsolicited penis</p> <p>25 pictures. [REDACTED] has received those from</p>	<p style="text-align: right;">Page 472</p> <p>1 happening to a million people. It's just how these</p> <p>2 numbers work for these services.</p> <p>3 Q. You say (as read):</p> <p>4 "Policy is necessary when the content</p> <p>5 is unambiguously inappropriate, yet it</p> <p>6 has many limitations."</p> <p>7 What did you mean by that?</p> <p>8 A. I mean that you have to have something that</p> <p>9 says -- if somebody says, "Tom or Alice, you have to</p> <p>10 kill yourself tomorrow," and that's just</p> <p>11 unambiguous, you have to be able to find it and you</p> <p>12 have to remove it. And so you have to have that as</p> <p>13 a -- as a baseline.</p> <p>14 But when we looked at all of these examples</p> <p>15 of, for example, self-harm or suicidal content, that</p> <p>16 is not something that you can effectively address</p> <p>17 with a policy about removing them. In many</p> <p>18 instances, it is important for people to share</p> <p>19 things like that. It just doesn't mean that you</p> <p>20 should be recommending this content to a 13 year</p> <p>21 old.</p> <p>22 And so you have to have other approaches</p> <p>23 other than content removal in order to create a safe</p> <p>24 environment.</p> <p>25 Q. Content removal was the safety approach</p>

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<p style="text-align: right;">Page 473</p> <p>1 that Meta was using on Instagram at that time?</p> <p>2 A. Correct.</p> <p>3 Q. At the bottom of this page you say</p> <p>4 (as read):</p> <p>5 "I might be wrong about my assessment</p> <p>6 and welcome feedback about any effort or</p> <p>7 data that I'm missing."</p> <p>8 Why did you say that?</p> <p>9 A. I would always say that in every</p> <p>10 conversation I had with everybody all the way up to</p> <p>11 Mark because I wanted to make sure that I was</p> <p>12 accurate in what I was representing. And if at any</p> <p>13 point somebody said, "We don't agree with your</p> <p>14 assessment, your characterization of these issues,</p> <p>15 the substance of them, or what you're recommending,"</p> <p>16 I would always take that seriously and integrate it</p> <p>17 in the different drafts that I was using.</p> <p>18 And so every person that I spoke to about</p> <p>19 these issue all the way to Mark Zuckerberg had this</p> <p>20 paragraph or this in the verbal conversation around</p> <p>21 it.</p> <p>22 Q. You then say (as read):</p> <p>23 "I believe that it is important to</p> <p>24 get the following efforts well-funded and</p> <p>25 prioritized."</p>	<p style="text-align: right;">Page 475</p> <p>1 Q. Was Mr. Zuckerberg the one and only person</p> <p>2 at the company that could actually make the culture</p> <p>3 of the company shift?</p> <p>4 A. Yes.</p> <p>5 Q. You said you were appealing to him.</p> <p>6 Were you trying to appeal to his sense of</p> <p>7 urgency?</p> <p>8 A. Yes, I was trying to appeal to his sense of</p> <p>9 urgency and to what we felt was right for a product</p> <p>10 that is being actively promoted for teenagers;</p> <p>11 right? If you're -- if you're creating something</p> <p>12 that's going to be used by teens, I chose these</p> <p>13 numbers to appeal to him to set the bar of what</p> <p>14 should a product look like that is safe for</p> <p>15 teenagers.</p> <p>16 Q. What was your hope that Mr. Zuckerberg's</p> <p>17 reaction would be?</p> <p>18 A. I hoped that I would hear from him quickly</p> <p>19 and that he would engage subsequently in</p> <p>20 understanding what is the kind of harm we're talking</p> <p>21 about and what are the kind of efforts that needed</p> <p>22 to be funded and prioritized in order to reduce this</p> <p>23 harm.</p> <p>24 Q. If you go back to the first page, you</p> <p>25 actually then forwarded your e-mail to</p>
<p style="text-align: right;">Page 474</p> <p>1 Were you asking Mr. Zuckerberg to fund and</p> <p>2 make a top priority the safety of kids on Instagram?</p> <p>3 A. Yes.</p> <p>4 Q. And was Mr. Zuckerberg the person at the</p> <p>5 company who could make that happen?</p> <p>6 A. Yes.</p> <p>7 Q. And then in the next several pages on -- or</p> <p>8 strike that.</p> <p>9 And then on the third page, you go through</p> <p>10 a series of bullet points.</p> <p>11 Are these your recommendations of what</p> <p>12 needed to be done to make kids safe on Instagram?</p> <p>13 A. Yes.</p> <p>14 Q. And is this sort of the safety framework</p> <p>15 that we've talked about and you set out earlier in</p> <p>16 your deposition?</p> <p>17 A. Yes.</p> <p>18 Q. You end by saying (as read):</p> <p>19 "If you would like, I can give more</p> <p>20 details or specifics on this. I am</p> <p>21 appealing to you because I believe that</p> <p>22 working this way will require a culture</p> <p>23 shift."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 476</p> <p>1 Mr. Zuckerberg to other members of the well-being</p> <p>2 team; is that right?</p> <p>3 A. Correct.</p> <p>4 Q. You forwarded your e-mail at 4:46 a.m., it</p> <p>5 looks like, to Mr. [REDACTED] and Mr. Rothschild and</p> <p>6 [REDACTED]; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And Mr. [REDACTED] and Mr. Rothschild were</p> <p>9 both the leads of the well-being team; is that</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. And [REDACTED] was actually senior to</p> <p>13 them; is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Was he also in support of going to the</p> <p>16 executives, telling them that there were serious</p> <p>17 concerns of harm to kids on Instagram?</p> <p>18 A. Yes.</p> <p>19 Q. Mr. Zuckerberg had a extremely large</p> <p>20 responsibility as someone managing platforms with</p> <p>21 billions of people, including hundreds of millions</p> <p>22 of kids; right?</p> <p>23 A. Correct.</p> <p>24 Q. And did you expect him to take that</p> <p>25 responsibility seriously and do things to fund and</p>

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<p style="text-align: right;">Page 477</p> <p>1 support the well-being of kids on Instagram?</p> <p>2 A. Yes, I did.</p> <p>3 Q. You mention in the e-mail to Mr. [REDACTED]</p> <p>4 and Mr. Rothschild -- or -- yeah, and Mr. [REDACTED]</p> <p>5 (as read):</p> <p>6 "After seeing Zuck's post tonight, I</p> <p>7 decided it was time to send him the note</p> <p>8 below."</p> <p>9 What are you referring to there?</p> <p>10 A. So Mark Zuckerberg did a post about the</p> <p>11 testimony and an outage that had happened earlier</p> <p>12 that week to employees and then public. And I saw</p> <p>13 Mark's post, Mark Zuckerberg's post.</p> <p>14 And after reading that and reading some of</p> <p>15 the things he said, I thought it was urgent to send</p> <p>16 him the note. And that's what -- part of what drove</p> <p>17 the timing of this.</p> <p>18 MR. CARTMELL: Do you have your call,</p> <p>19 Mr. Ward?</p> <p>20 MR. WARD: I do.</p> <p>21 Do you have a convenient breaking time? I</p> <p>22 can leave my colleague for just a few minutes</p> <p>23 without me.</p> <p>24 MR. CARTMELL: I mean --</p> <p>25 MR. PHELPS: Let's go off the record.</p>	<p style="text-align: right;">Page 479</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. And ask you, is this the post by</p> <p>3 Mr. Zuckerberg on October 5th, 2021, that you were</p> <p>4 referring to?</p> <p>5 A. Yes, it is.</p> <p>6 Q. Is this the post that Mr. Zuckerberg posted</p> <p>7 that triggered you to send the e-mail to</p> <p>8 Mr. Zuckerberg?</p> <p>9 A. Yes, it is.</p> <p>10 Q. What is Workplace?</p> <p>11 A. Workplace is the version of Facebook that</p> <p>12 was developed to be used internally by the company.</p> <p>13 So it's how Facebook employees post messages, a lot</p> <p>14 of internal work communications.</p> <p>15 Q. So was Mr. Zuckerberg's post on</p> <p>16 October 5th, 2021, on Workplace?</p> <p>17 A. That is correct. And I believe he also</p> <p>18 posted it publicly.</p> <p>19 Q. Okay. So is that your -- I was going to</p> <p>20 ask you that, but that's your understanding, is that</p> <p>21 he actually posted internally to all of the</p> <p>22 employees of Meta and then posted it publicly on the</p> <p>23 website or something like that?</p> <p>24 A. On Facebook, yes, that's correct.</p> <p>25 Q. Okay. When you say that after seeing this</p>
<p style="text-align: right;">Page 478</p> <p>1 MR. CARTMELL: Let's go off the record.</p> <p>2 THE VIDEOGRAPHER: The time is 11:53.</p> <p>3 We're off the record.</p> <p>4 (Recess taken from 11:53 to 12:56.)</p> <p>5 THE VIDEOGRAPHER: The time is 12:56.</p> <p>6 We're back on the record.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. Mr. Bejar, we're back on the record after a</p> <p>9 short break.</p> <p>10 Are you ready to proceed?</p> <p>11 A. Yes, I am.</p> <p>12 Q. Before the break we were talking about your</p> <p>13 e-mail to Mr. Zuckerberg.</p> <p>14 Do you recall that?</p> <p>15 A. I do.</p> <p>16 Q. And your e-mail to Mr. [REDACTED] and</p> <p>17 Mr. [REDACTED] and Mr. Rothschild stated that you</p> <p>18 actually were prompted, I guess -- tell me if I'm</p> <p>19 wrong -- to send that e-mail by Mr. Zuckerberg's</p> <p>20 post that day; is that right?</p> <p>21 A. That's correct.</p> <p>22 Q. I want to hand you Exhibit 46 which comes</p> <p>23 from Meta's file in this lawsuit.</p> <p>24 (Marked for identification purposes, Bejar</p> <p>25 Exhibit 46.)</p>	<p style="text-align: right;">Page 480</p> <p>1 post from Mr. Zuckerberg, you figured it was time to</p> <p>2 send your e-mail to Mr. Zuckerberg, were you talking</p> <p>3 about the contents of his post after the first</p> <p>4 paragraph?</p> <p>5 A. Correct.</p> <p>6 Q. First paragraph is talking about an outage;</p> <p>7 is that right?</p> <p>8 A. Correct.</p> <p>9 Q. And then he starts the second paragraph by</p> <p>10 saying (as read):</p> <p>11 "Second, now that today's testimony</p> <p>12 is over, I wanted to reflect on the</p> <p>13 public debate we're in."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. What testimony do you believe he was</p> <p>17 talking about?</p> <p>18 A. Frances Haugen's testimony.</p> <p>19 Q. She was testifying before Congress that</p> <p>20 day?</p> <p>21 A. Correct.</p> <p>22 Q. Is this post by Mr. Zuckerberg his response</p> <p>23 to Frances Haugen's testimony?</p> <p>24 A. I believe so.</p> <p>25 Q. Did you know Frances Haugen when you were</p>

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<p style="text-align: right;">Page 481</p> <p>1 working at Meta?</p> <p>2 A. No.</p> <p>3 Q. You had never met her before?</p> <p>4 A. No.</p> <p>5 Q. Have you since met her?</p> <p>6 A. Yes.</p> <p>7 Q. When was the first time you met her? Do</p> <p>8 you remember?</p> <p>9 A. Yeah, I don't recall the exact date. I</p> <p>10 think the first in-person meeting was after my</p> <p>11 testimony.</p> <p>12 Q. Your testimony in front of Congress?</p> <p>13 A. Yes.</p> <p>14 Q. So sometime late 2023?</p> <p>15 A. That sounds right to me.</p> <p>16 Q. About two years after you had left Meta?</p> <p>17 A. Correct.</p> <p>18 Q. Let me ask you some questions about</p> <p>19 Mr. Zuckerberg's post, but first let me ask you:</p> <p>20 You have now had a chance to review his post, and</p> <p>21 what in his post led you to send your e-mail to</p> <p>22 Mr. Zuckerberg?</p> <p>23 A. I thought that there were many misleading</p> <p>24 statements.</p> <p>25 Q. Okay. Let's go through his post, and I</p>	<p style="text-align: right;">Page 483</p> <p>1 said (as read):</p> <p>2 "We care deeply about issues like</p> <p>3 safety, well-being, and mental health."</p> <p>4 Why was it that you say that that simply</p> <p>5 was not true?</p> <p>6 A. Because when something is a priority for</p> <p>7 the company, it has sufficient resources, it has a</p> <p>8 comprehensive metrics framework that allows you to</p> <p>9 assess the impact of that work. It's -- you know</p> <p>10 that it's discussion, you see it everywhere. It's</p> <p>11 in -- it's in the fabric of how the company</p> <p>12 operates.</p> <p>13 And so when I read that statement, I just</p> <p>14 thought that's just not true.</p> <p>15 Q. If you go down to the last paragraph,</p> <p>16 Mr. Zuckerberg says (as read):</p> <p>17 "I'm particularly focused on the</p> <p>18 questions raised about our work with</p> <p>19 kids. I've spent a lot of time</p> <p>20 reflecting on the kinds of experiences I</p> <p>21 want my kids and others to have online,</p> <p>22 and it's very important to me that</p> <p>23 everything we build is safe and good for</p> <p>24 kids."</p> <p>25 Based on your experience at Meta, do you</p>
<p style="text-align: right;">Page 482</p> <p>1 want to ask you about a few things.</p> <p>2 But tell me, what was the general topic of</p> <p>3 Mr. Zuckerberg's post?</p> <p>4 A. I mean, there's a sentence says, We care</p> <p>5 deeply about issues like safety, well-being, and</p> <p>6 mental health. And that was just not my experience</p> <p>7 of the previous two years.</p> <p>8 Q. In the first full paragraph, it says</p> <p>9 (as read):</p> <p>10 "At the heart of these accusations is</p> <p>11 the idea we prioritize profit over safety</p> <p>12 and well-being. That's just not true."</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Based on your experience at Meta, as Meta's</p> <p>16 well -- excuse me. Strike that.</p> <p>17 Based on your experience at Meta from 2019</p> <p>18 to 2021, as Meta's online safety consultant, was</p> <p>19 that your experience, what Mr. Zuckerberg said?</p> <p>20 A. My experience was that they prioritize</p> <p>21 engagement and growth over safety and well-being.</p> <p>22 Q. And you've provided to us in your testimony</p> <p>23 lots of examples of that; is that true?</p> <p>24 A. Correct.</p> <p>25 Q. He says in this second paragraph, as you</p>	<p style="text-align: right;">Page 484</p> <p>1 believe that was an accurate statement?</p> <p>2 MS. JONES: Objection. Foundation.</p> <p>3 Go ahead.</p> <p>4 THE WITNESS: I believe that is just not</p> <p>5 true.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Did Mr. Zuckerberg have kids old enough at</p> <p>8 that time to be on Instagram?</p> <p>9 A. He did not.</p> <p>10 Q. I want to focus on where he says</p> <p>11 "everything we build is safe and good for kids."</p> <p>12 He says that's very important to him;</p> <p>13 right?</p> <p>14 A. Correct.</p> <p>15 Q. Based on your experience at Meta, did you,</p> <p>16 when working with Instagram, believe that Meta</p> <p>17 wanted Instagram -- strike that.</p> <p>18 Based on your experience at Meta, do you</p> <p>19 believe that Instagram was built safe and good for</p> <p>20 kids?</p> <p>21 MS. JONES: Objection to the form.</p> <p>22 Foundation.</p> <p>23 THE WITNESS: I believe Instagram is not</p> <p>24 built to be safe or good for kids.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 485</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. And is that your opinion based on your</p> <p>3 30 years of expertise as a online child safety</p> <p>4 expert, that that's the case even today?</p> <p>5 A. Yes. Absolutely.</p> <p>6 Q. He states (as read):</p> <p>7 "Many of the claims don't make any</p> <p>8 sense. If we wanted to ignore research,</p> <p>9 why would we create an industry-leading</p> <p>10 research program to understand these</p> <p>11 important issues in the first place?"</p> <p>12 Was your experience at Meta that the</p> <p>13 leadership would use the research to then go</p> <p>14 implement safety features on Instagram for kids?</p> <p>15 A. That was not my --</p> <p>16 MS. JONES: Excuse me.</p> <p>17 Objection. Foundation.</p> <p>18 THE WITNESS: That was not my experience.</p> <p>19 I wish it had been.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. If you go to the next page, dot 2, at the</p> <p>22 fourth paragraph, he says (as read):</p> <p>23 "But when it comes to young people's</p> <p>24 health or well-being, every negative</p> <p>25 experience matters. It is incredibly sad</p>	<p style="text-align: right;">Page 487</p> <p>1 from 2019 to 2021 and your expertise related to</p> <p>2 online safety and security, had you reached</p> <p>3 conclusions about whether Instagram was comforting</p> <p>4 kids in distress?</p> <p>5 A. Yes.</p> <p>6 MS. JONES: I'm sorry. I didn't hear what</p> <p>7 you said.</p> <p>8 Doing what to kids in distress?</p> <p>9 MR. CARTMELL: Comforting kids.</p> <p>10 MS. JONES: Objection to the form and</p> <p>11 foundation.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. You can answer.</p> <p>14 A. Can you repeat the question?</p> <p>15 Q. Yes.</p> <p>16 Based on your experience working at Meta</p> <p>17 and your expertise related to online safety and</p> <p>18 security, had you reached conclusions about whether</p> <p>19 Instagram was comforting kids in distress on</p> <p>20 Instagram?</p> <p>21 MS. JONES: Objection to the form.</p> <p>22 Foundation.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. CARTMELL:</p> <p>25 Q. What is your opinion or conclusion?</p>
<p style="text-align: right;">Page 486</p> <p>1 to think of a young person in a moment of</p> <p>2 distress who, instead of being comforted,</p> <p>3 has their experience made worse. We have</p> <p>4 worked for years on industry-leading</p> <p>5 efforts to help people in these moments,</p> <p>6 and I'm proud of the work we've done. We</p> <p>7 constantly use our research to improve</p> <p>8 this further work."</p> <p>9 Let me follow up and ask you, do you agree</p> <p>10 actually when it comes to young people's health or</p> <p>11 well-being every negative experience matters?</p> <p>12 A. Absolutely.</p> <p>13 Q. And have you spent your career with that in</p> <p>14 mind?</p> <p>15 A. Absolutely.</p> <p>16 Q. The next -- second sentence, do you agree</p> <p>17 that it's incredibly sad for a young person in</p> <p>18 distress to have their experience made worse?</p> <p>19 A. I think it's incredibly sad.</p> <p>20 Q. And have you, in fact, built safety</p> <p>21 frameworks -- or did you build a safety framework</p> <p>22 for the Facebook app during your first stint,</p> <p>23 keeping that in mind?</p> <p>24 A. Absolutely.</p> <p>25 Q. Based on your experience working at Meta</p>	<p style="text-align: right;">Page 488</p> <p>1 A. That Instagram was not comforting kids in</p> <p>2 moments of distress, and that Instagram made each of</p> <p>3 the experiences we're talking about meaningfully</p> <p>4 worse.</p> <p>5 Q. Mr. Zuckerberg says that Meta has worked</p> <p>6 for years on industry-leading efforts to help people</p> <p>7 in moments of distress.</p> <p>8 Do you see that?</p> <p>9 A. Correct.</p> <p>10 Q. He doesn't say what efforts he's talking</p> <p>11 about; right?</p> <p>12 A. Right.</p> <p>13 Q. Based on your more than 30 years of</p> <p>14 experience as an online safety expert, did Instagram</p> <p>15 have any industry-leading safety products or</p> <p>16 features on Instagram?</p> <p>17 MS. JONES: Objection. Foundation. Form.</p> <p>18 (Stenographer interrupted for clarification</p> <p>19 of the record.)</p> <p>20 THE WITNESS: They did not.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. He then states (as read):</p> <p>23 "We constantly use our research to</p> <p>24 improve this work further."</p> <p>25 What did your experience at Meta tell you</p>

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<p style="text-align: right;">Page 489</p> <p>1 about that claim by Mr. Zuckerberg?</p> <p>2 A. That it's just not true. The research team</p> <p>3 I worked with was struggling to have their research</p> <p>4 applied. And then when some of that research became</p> <p>5 public, the company's response was to minimize it.</p> <p>6 Q. I also want to ask you about the third</p> <p>7 sentence in the paragraph that states (as read):</p> <p>8 "If we wanted to hide our results,</p> <p>9 why would we have established an</p> <p>10 industry-leading standard for</p> <p>11 transparency and reporting on what we're</p> <p>12 doing?"</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Based on your experience at Meta, do you</p> <p>16 believe that Meta had an industry-leading standard</p> <p>17 for transparency?</p> <p>18 A. They didn't.</p> <p>19 MS. JONES: Excuse me.</p> <p>20 Objection. Foundation.</p> <p>21 THE WITNESS: They did not.</p> <p>22 BY MR. CARTMELL:</p> <p>23 Q. In fact, did Meta actually not publish any</p> <p>24 of its internal research, including BEEF, related to</p> <p>25 the substantial harms that were occurring to kids on</p>	<p style="text-align: right;">Page 491</p> <p>1 it. It threw the research and the researcher under</p> <p>2 the bus by saying it wasn't a lot of people that had</p> <p>3 gone on that survey.</p> <p>4 And I think that it would -- we would live</p> <p>5 in a very different world if they, as a company,</p> <p>6 would have said, "Oh, we know this is an issue.</p> <p>7 It's a priority. Here's the research we've done</p> <p>8 about it. Here are the features we're developing to</p> <p>9 make it better. Here are the academics with whom we</p> <p>10 work externally to validate our findings. And we're</p> <p>11 going to do so in an environment of vertical</p> <p>12 transparency because that's what parents deserve,"</p> <p>13 and -- and rather than minimizing the issues that</p> <p>14 are so critical for so many teens' lives.</p> <p>15 BY MR. CARTMELL:</p> <p>16 Q. Instead of being transparent with the BEEF</p> <p>17 results and other internal research after the Haugen</p> <p>18 leaks, did the company actually lock down the</p> <p>19 research?</p> <p>20 MS. JONES: Objection. Foundation.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. CARTMELL:</p> <p>23 Q. What does it mean to be -- have a lockdown</p> <p>24 at Meta?</p> <p>25 A. Well, in this context it means something</p>
<p style="text-align: right;">Page 490</p> <p>1 Instagram?</p> <p>2 MS. JONES: Objection to the form.</p> <p>3 THE WITNESS: That's correct.</p> <p>4 BY MR. CARTMELL:</p> <p>5 Q. You talked about how being transparent and</p> <p>6 publishing negative results of harms that were</p> <p>7 occurring was something that could actually help and</p> <p>8 increase the safety on a platform; correct?</p> <p>9 A. Absolutely.</p> <p>10 Q. Do you believe that Meta's lack of</p> <p>11 transparency on research that was showing harms to</p> <p>12 kids on Instagram, in fact, caused or contributed to</p> <p>13 cause a lack of safety for kids on Instagram?</p> <p>14 MS. JONES: Objection to the form.</p> <p>15 Foundation.</p> <p>16 THE WITNESS: I do.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. After Ms. Haugen's leak of Meta's research,</p> <p>19 what was your impression of Meta's response as it</p> <p>20 related to being transparent with Meta's internal</p> <p>21 research about harms to kids?</p> <p>22 MS. JONES: Objection. Foundation.</p> <p>23 THE WITNESS: I thought it was disgraceful</p> <p>24 because there was research showing about body-image</p> <p>25 issues internally, and instead the company minimized</p>	<p style="text-align: right;">Page 492</p> <p>1 different, which is that Meta as a core element of</p> <p>2 company culture had transparency for employees.</p> <p>3 This was from the first day I started.</p> <p>4 And so you used to be able to go look at</p> <p>5 research and work that other teams were doing. And</p> <p>6 after the Frances Haugen testimony happened or I</p> <p>7 think around that time, they went and they made it</p> <p>8 so that all of the user research was not available</p> <p>9 to most of the company, just to the people that had</p> <p>10 a need-to-know relationship to that research.</p> <p>11 So they locked everything down. All of the</p> <p>12 research kind of disappeared from the awareness of</p> <p>13 the company. So if you were an employee,</p> <p>14 traditionally you would have had access to something</p> <p>15 like BEEF. But after Frances, you did not.</p> <p>16 Q. Let me ask you, so was that the policy in</p> <p>17 legal department that did that?</p> <p>18 MS. JONES: Objection. Foundation.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. Is that the same department that told</p> <p>22 Mr. -- or strike that.</p> <p>23 Was that the same department that told</p> <p>24 Dr. [REDACTED] to delete the BEEF emotions data and not</p> <p>25 analyze it?</p>

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<p style="text-align: right;">Page 493</p> <p>1 MS. JONES: Again, objection. Foundation. 2 THE WITNESS: Yes. 3 BY MR. CARTMELL: 4 Q. So your e-mail in -- to Mr. Zuckerberg was 5 on October 5th of 2021, and when was your last day 6 at Meta? 7 A. Shortly after that. 8 Q. I think I've seen in some documents that it 9 was October 24th. 10 Is that consistent with your memory? 11 A. Yes. 12 Q. After sending the e-mail to Mr. Zuckerberg 13 on the 5th, did you ever hear anything from him? 14 A. I did not. 15 Q. No response at all? 16 A. No. 17 Q. Were you able to meet with Mr. Mosseri 18 before you left? 19 A. I was. 20 Q. Tell us what happened at that meeting, 21 please. 22 A. So I sent Adam a preread, which is a 23 briefing document that every -- people get and 24 everybody is expected to read before you have a 25 meeting that had the adjusted numbers, a link to the</p>	<p style="text-align: right;">Page 495</p> <p>1 tools to say, "That content is not for me because 2 it's sexually inappropriate. It's self-harm. It's 3 too racy." You have your reasons on how you could 4 use that information to let creators know that that 5 kind of content is not getting distributed and that 6 you shouldn't be recommending that content to kids 7 or other kids. 8 Q. So you provided Mr. Mosseri with the final 9 adjusted BEEF data? 10 A. Correct. 11 Q. And you discussed your recommendations for 12 solutions for how to make Instagram a safe place for 13 kids? 14 A. Correct. And in my pre-brief, I asked what 15 I think is a fundamental question around this, which 16 is, "So you're the leader of Instagram. What 17 percentage of 13 to 15 year olds should get an 18 unwanted advance on Instagram in the last 7 days? 19 Like, what should be the goal for the team of 20 unwanted sexual advances by 13 to 15 year olds on 21 Instagram?" 22 Q. At that time, in October of 2021, were 23 there any goals in place related to bad experiences 24 or negative or harmful experiences for kids on 25 Instagram?</p>
<p style="text-align: right;">Page 494</p> <p>1 full BEEF presentation, as well as highlighting some 2 issues and some questions for us to discuss 3 together. 4 And then when I sat down with him, as I 5 did, like, again, "Please correct me if there's 6 anything that is inaccurate in what I'm saying," and 7 I talked about the importance of giving teenagers an 8 effective way of dealing with unwanted advances and 9 how important that was and that the content didn't 10 matter, that you could have just a button that says 11 "This is eww," right, and -- and teens will use it. 12 And then you say, "Well, what's the 13 matter?" 14 And it's like, "This is uncomfortable 15 sexually for me." 16 And then you design that so that the teen 17 will use it and that they feel immediately protected 18 afterwards. 19 And Adam agreed and thought it was a good 20 way of putting it. He added some thoughts as to how 21 the person could be made to feel safe after using 22 it. 23 And then we also covered the area of the 24 kinds of content that was addressed by BEEF. And we 25 talked about how it was important to give people</p>	<p style="text-align: right;">Page 496</p> <p>1 MS. JONES: Objection. Foundation. 2 THE WITNESS: There were not. 3 BY MR. CARTMELL: 4 Q. Yeah, I think you previously testified that 5 if there were not metrics and goals in place, the 6 company would not do the work; is that fair? 7 A. That's correct. 8 Q. Did Mr. Mosseri make any commitments to you 9 about safety? 10 A. He did not. 11 Q. Why did you leave Meta in late October of 12 2021? 13 A. My egg timer went out. So in California, I 14 believe, that if you work as a contractor for more 15 than two years, you kind of bring employment issues 16 for the company. So I was told that I had to leave 17 after two years. Actually, I think it was 18 originally one year, but they extended my contract. 19 And then you had to be away for six months 20 before you could come back. Although I did offer 21 under, again, nondisclosure to help continue 22 supporting the work because ultimately that's what 23 was important. 24 Q. And let me ask you, in your final days, did 25 you work on a post for Workplace that you wanted to</p>

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<p style="text-align: right;">Page 497</p> <p>1 go out to all of the employees of Meta?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Why did you want to post on Workplace</p> <p>4 before you left?</p> <p>5 A. Because I felt it was really important for</p> <p>6 the employees of Meta to know that it was critical</p> <p>7 to reduce bad experiences for users and to talk, for</p> <p>8 example, about unwanted advances.</p> <p>9 Q. Was this part of what you thought was</p> <p>10 important, transparency?</p> <p>11 A. Absolutely.</p> <p>12 Q. And so did you want to post on Workplace</p> <p>13 for all the employees to see the results of the BEEF</p> <p>14 survey which showed high rates of harmful</p> <p>15 experiences to kids on Instagram?</p> <p>16 A. Correct. In particular, around unwanted</p> <p>17 sexual advances.</p> <p>18 Q. Were you required by Meta to submit your</p> <p>19 post or a draft of your post to the policy and legal</p> <p>20 department at Meta before you left?</p> <p>21 A. Yes, I was.</p> <p>22 Q. And before you made the post?</p> <p>23 A. Correct.</p> <p>24 Q. Did you do that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 499</p> <p>1 A. No.</p> <p>2 Q. Did you do any haggling with the policy or</p> <p>3 legal department about that?</p> <p>4 A. I remember that the -- that the policy or</p> <p>5 legal person -- I think it was the policy person --</p> <p>6 said, "Oh, but there is a way for teenagers to</p> <p>7 report unwanted sexual advances."</p> <p>8 And I was like, "No, there isn't. Here are</p> <p>9 the categories for the reporting tool."</p> <p>10 And then they acknowledged that was true</p> <p>11 and allowed me to put what I put in there. But the</p> <p>12 request was to turn what was specific data about</p> <p>13 harm into a hypothetical. And then they would</p> <p>14 approve the post.</p> <p>15 Q. I'm handing you Exhibit 47, which is</p> <p>16 produced from your files at Meta.</p> <p>17 (Marked for identification purposes, Bejar</p> <p>18 Exhibit 47.)</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. And ask you if you can identify what</p> <p>21 Exhibit 47 is, please.</p> <p>22 A. That is my Workplace post that I did before</p> <p>23 I left.</p> <p>24 Q. It's titled "Reducing Bad Experiences For</p> <p>25 Our Users."</p>
<p style="text-align: right;">Page 498</p> <p>1 Q. Did the policy and legal department at Meta</p> <p>2 allow you to be fully transparent in your</p> <p>3 company-wide post?</p> <p>4 MS. JONES: Objection. Foundation.</p> <p>5 THE WITNESS: They did not.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Did the policy and legal department refuse</p> <p>8 to allow you to include the BEEF survey data that</p> <p>9 showed the harms to kids on Instagram?</p> <p>10 A. Correct. They did not allow me to put the</p> <p>11 data in the post.</p> <p>12 Q. Did they remove the data from the draft you</p> <p>13 submitted?</p> <p>14 A. Either they removed it or they asked me to</p> <p>15 remove it.</p> <p>16 Q. Is the policy and legal department the same</p> <p>17 department that asked Dr. [REDACTED] to delete and not</p> <p>18 analyze the emotions data from the BEEF survey?</p> <p>19 MS. JONES: Objection. Foundation and</p> <p>20 mischaracterization.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. CARTMELL:</p> <p>23 Q. Were you given a reason why you couldn't</p> <p>24 include Meta's own internal BEEF survey data in your</p> <p>25 company-wide post?</p>	<p style="text-align: right;">Page 500</p> <p>1 Let me restate that.</p> <p>2 It's titled "Reducing Bad Experiences For</p> <p>3 Our Users"; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. And in this post, you wanted to include</p> <p>6 BEEF data that would inform the employees of Meta</p> <p>7 that there was serious harm to kids on Instagram; is</p> <p>8 that right?</p> <p>9 A. That's correct.</p> <p>10 Q. And Meta's policy and legal department</p> <p>11 refused to allow you to do that; is that right?</p> <p>12 A. That's correct.</p> <p>13 Q. Was there anything else that the policy and</p> <p>14 legal department at Meta required you to change and</p> <p>15 remove in your post that you recall?</p> <p>16 A. There was kind of how I -- I was describing</p> <p>17 the user experience around some of these issues.</p> <p>18 And so I think as I mentioned, we had to go from a</p> <p>19 pretty concrete example to a hypothetical.</p> <p>20 Q. They made you change it to a hypothetical?</p> <p>21 A. Correct.</p> <p>22 Q. Was the truth, though, that that feature</p> <p>23 was not there in the Instagram app?</p> <p>24 A. Yes.</p> <p>25 Q. That they wouldn't let you tell the truth</p>

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<p style="text-align: right;">Page 501</p> <p>1 about that to other employees at Meta?</p> <p>2 A. That's correct.</p> <p>3 Q. What did that say to you about the</p> <p>4 company's commitment to safety?</p> <p>5 MS. JONES: Objection. Foundation.</p> <p>6 THE WITNESS: That it is a company that</p> <p>7 would rather hide the truth of harm than it is to</p> <p>8 let its own employees know about it.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. Mr. Zuckerberg had just told the public</p> <p>11 that Meta had industry-leading transparency; is that</p> <p>12 true?</p> <p>13 A. Correct.</p> <p>14 Q. But yet internally when you want to make a</p> <p>15 post about the risk of harm to kids on Instagram and</p> <p>16 include data, the policy and legal department shut</p> <p>17 you down?</p> <p>18 A. Correct.</p> <p>19 Q. Did you feel that employees deserve to know</p> <p>20 the risk of harms to kids on Instagram?</p> <p>21 A. Absolutely.</p> <p>22 Q. Did you believe that employees at Meta</p> <p>23 needed to understand how serious the risks were?</p> <p>24 A. Absolutely.</p> <p>25 Q. Did you have to submit a watered-down</p>	<p style="text-align: right;">Page 503</p> <p>1 And, I mean, there's the example of -- of</p> <p>2 my daughter and the unwanted messages. That is --</p> <p>3 these reporting tools that they had, which have</p> <p>4 these categories that teens could not even possibly</p> <p>5 relate to, needs to be turned into a support flow</p> <p>6 that captures what happened, where it happened, and</p> <p>7 helps them with the issue: Protect other people.</p> <p>8 And then if you look at No. 3, it talks</p> <p>9 about feedback; right? Creating tools, visible</p> <p>10 tools, that make the community safer over time,</p> <p>11 assuming that people act with good intention, that</p> <p>12 there are people who are seeking attention and you</p> <p>13 treat differently, and then there's bad people that</p> <p>14 are setting out to harm people. So that in here,</p> <p>15 it's a framework about how you have to approach</p> <p>16 these issues in a way to meaningfully reduce issues</p> <p>17 over time.</p> <p>18 And I believe that this kind of framework</p> <p>19 paired with BEEF data as a prioritization would have</p> <p>20 led to meaningful reduction, and I thought it was</p> <p>21 important for employees to be aware of this so</p> <p>22 that -- in the hope that it could be applied.</p> <p>23 MS. JONES: Let me just object and move to</p> <p>24 strike the narrative response. And belatedly object</p> <p>25 to the question calling for a narrative.</p>
<p style="text-align: right;">Page 502</p> <p>1 version of the post you wanted to send to the</p> <p>2 employees?</p> <p>3 A. Yes.</p> <p>4 Q. And is this it?</p> <p>5 A. Yes.</p> <p>6 Q. Just in general, tell us what your post</p> <p>7 talks about.</p> <p>8 A. It is a variation on the message I sent to</p> <p>9 Adam and the communications I made in my tenure that</p> <p>10 says, "Can we take the harm that people experience</p> <p>11 as the north star?"</p> <p>12 And in a company like this when you name a</p> <p>13 north star, what you're saying is "That's what we</p> <p>14 use to base our goals on, our resources, our</p> <p>15 prioritization."</p> <p>16 And so it's the framework at the end of the</p> <p>17 day; right?</p> <p>18 Q. Take your time.</p> <p>19 A. No. 2 is, are people able to effectively</p> <p>20 report the issue; right?</p> <p>21 Are we giving people the opportunity to</p> <p>22 tell us the experiences that they are -- they are</p> <p>23 having; right?</p> <p>24 And then are we using that information to</p> <p>25 protect them at that moment?</p>	<p style="text-align: right;">Page 504</p> <p>1 (Stenographer interrupted for clarification</p> <p>2 of the record.)</p> <p>3 BY MR. CARTMELL:</p> <p>4 Q. Were you trying to, once again, leave the</p> <p>5 safety framework that you had told the company about</p> <p>6 for the last two years that would help keep kids</p> <p>7 safe down on paper so that it could be adopted by</p> <p>8 leadership at Meta after you left?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. After you left -- well, strike that.</p> <p>11 The BEEF survey that we talked about I</p> <p>12 think was supposed to be done every six months; is</p> <p>13 that right?</p> <p>14 A. That's correct.</p> <p>15 Q. Do you know whether or not they continued</p> <p>16 to do the BEEF survey after you left?</p> <p>17 MS. JONES: Object to foundation.</p> <p>18 THE WITNESS: I believe they did not, as</p> <p>19 they laid off those researchers.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. Now, Version 2, I think, was already in</p> <p>22 effect at the time you left.</p> <p>23 Do you recall that?</p> <p>24 A. Yes.</p> <p>25 Q. After Version 2, do you know or do you</p>

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<p style="text-align: right;">Page 505</p> <p>1 believe they ever did the BEEF survey again?</p> <p>2 A. I believe they did not.</p> <p>3 Q. You testified previously that you had some</p> <p>4 hope and optimism that Meta would make the safety of</p> <p>5 kids a priority after you left; is that right?</p> <p>6 A. That's correct.</p> <p>7 Q. Okay. And at some point did your hope and</p> <p>8 optimism in that respect change?</p> <p>9 A. Yes, it did.</p> <p>10 Q. Did something happen that caused you to</p> <p>11 decide to go public with what you knew about Meta</p> <p>12 and the harms to kids?</p> <p>13 A. Yes, it did.</p> <p>14 Q. Explain that to us, please.</p> <p>15 A. I was asked to testify as part of FTC</p> <p>16 proceedings and --</p> <p>17 Q. Were you asked to testify on behalf of Meta</p> <p>18 as a Meta former employee?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. I'm sorry to interrupt. Go ahead.</p> <p>21 A. And during that process, I saw my e-mail to</p> <p>22 Mark about -- Mark Zuckerberg about BEEF and the</p> <p>23 harms associated with it. And it was pretty clear</p> <p>24 to me at that moment that the company had not</p> <p>25 substantively done anything to reduce any of the</p>	<p style="text-align: right;">Page 507</p> <p>1 article?</p> <p>2 A. Yes.</p> <p>3 Q. Is it accurate?</p> <p>4 A. Yes, it is accurate.</p> <p>5 Q. Okay. And were you entirely truthful with</p> <p>6 the author of that when you were being interviewed?</p> <p>7 A. To the best of my ability.</p> <p>8 Q. And then you testified in front of</p> <p>9 Congress, I believe, in November of 2023; is that</p> <p>10 correct?</p> <p>11 A. That's correct.</p> <p>12 Q. You were subpoenaed to testify; is that</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And you were subpoenaed to give documents;</p> <p>16 is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Did you meet with members of Congress</p> <p>19 before that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. What was the general nature of your</p> <p>22 testimony in front of Congress about what you knew</p> <p>23 about Meta and its commitment to safety about -- or</p> <p>24 for kids?</p> <p>25 A. That Mark Zuckerberg and the senior</p>
<p style="text-align: right;">Page 506</p> <p>1 harms in that survey.</p> <p>2 And I -- at that moment, the first step was</p> <p>3 I resolved to be the most helpful and accurate</p> <p>4 witness I could be. And so in the context of</p> <p>5 depositions, to show up as best -- to my ability,</p> <p>6 very thoroughly, and with great accuracy about these</p> <p>7 issues.</p> <p>8 And then a few months later, that --</p> <p>9 around, I think, March of that year, I -- I read</p> <p>10 something that talked about -- like, that when you</p> <p>11 dedicate your life to something, like safety, that</p> <p>12 sometimes you have to remember that is the primary</p> <p>13 responsibility and to ask yourself, "Who are you</p> <p>14 protecting?" Am I protecting kids, or am I</p> <p>15 protecting executives in the company?</p> <p>16 And that's the moment that I resolved to go</p> <p>17 public because I thought that would be the most</p> <p>18 effective way of protecting kids.</p> <p>19 Q. After you decided to go public, I think</p> <p>20 we -- you testified previously that there was an</p> <p>21 article in the Wall Street Journal; is that right?</p> <p>22 A. Correct.</p> <p>23 Q. And have you read and assessed that article</p> <p>24 to determine whether or not it is accurate with</p> <p>25 respect to what you reported to the author of that</p>	<p style="text-align: right;">Page 508</p> <p>1 executives at Meta were aware of harms that</p> <p>2 teenagers were experiencing on Instagram, meaningful</p> <p>3 and significant harm, and they had chosen not to</p> <p>4 address it.</p> <p>5 Q. You were sworn to tell the truth and under</p> <p>6 oath when you gave that testimony?</p> <p>7 A. Yes.</p> <p>8 Q. And were you truthful?</p> <p>9 A. Yes.</p> <p>10 Q. You've also been subpoenaed by multiple</p> <p>11 state attorney generals during investigations of</p> <p>12 Meta; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And have you been truthful when you have</p> <p>15 testified in those investigations?</p> <p>16 A. Yes.</p> <p>17 Q. I think maybe I asked you, but do you know</p> <p>18 how many different attorney generals you've met with</p> <p>19 around the country?</p> <p>20 A. I don't recall.</p> <p>21 Q. Did Meta actually subpoena documents from</p> <p>22 you in preparation for this deposition?</p> <p>23 A. Yes.</p> <p>24 Q. And did you actually do your best to look</p> <p>25 through your files and give them responses to</p>

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<p style="text-align: right;">Page 509</p> <p>1 those -- to that subpoena?</p> <p>2 A. Absolutely.</p> <p>3 Q. And you produced a lot of documents, didn't</p> <p>4 you?</p> <p>5 A. Yes, I did.</p> <p>6 Q. And do those documents include some of the</p> <p>7 examples of the videos and testing you continued to</p> <p>8 do to determine whether or not Instagram is safe for</p> <p>9 kids?</p> <p>10 A. That's correct.</p> <p>11 Q. You mentioned that you have continued to</p> <p>12 work on online child safety since you left; is that</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And have you worked with foundations like</p> <p>16 the Molly Russell foundation -- excuse me, the</p> <p>17 Molly Rose Foundation?</p> <p>18 A. Yes, I have.</p> <p>19 Q. Tell us kind of in general what your work</p> <p>20 and commitment to online child safety has been since</p> <p>21 you went public in November of 2023.</p> <p>22 MS. JONES: I'm going to object to the</p> <p>23 question as calling for a narrative.</p> <p>24 Go ahead.</p> <p>25 THE WITNESS: My goal since I decided to go</p>	<p style="text-align: right;">Page 511</p> <p>1 Objection to the form.</p> <p>2 Sorry.</p> <p>3 BY MR. CARTMELL:</p> <p>4 Q. You haven't made money from your work</p> <p>5 trying to make these platforms safe for kids;</p> <p>6 correct?</p> <p>7 A. I have not made any money. And more often</p> <p>8 than not, I've paid for my own travel in areas</p> <p>9 around this, not always.</p> <p>10 But, I mean, it's important, so I've</p> <p>11 invested in it.</p> <p>12 Q. Now, the oversight board from Meta that we</p> <p>13 talked about briefly, actually after you went</p> <p>14 public, they retained you -- actually asked you to</p> <p>15 come give a presentation to them; is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. And they paid you for your time?</p> <p>18 A. They did, yes.</p> <p>19 Q. Other than that, has there been any payment</p> <p>20 to you related to this -- this work you're doing to</p> <p>21 help kids be safe?</p> <p>22 A. There has not been other than occasional</p> <p>23 travel reimbursement.</p> <p>24 Q. I want to play a -- well, let me ask</p> <p>25 you -- strike that.</p>
<p style="text-align: right;">Page 510</p> <p>1 public on these issues is to help people understand</p> <p>2 how harm actually plays out in these products so</p> <p>3 that there can be effective legislation, so that</p> <p>4 there can be better studies and understanding of it,</p> <p>5 and so that people can create also, like, safer</p> <p>6 products.</p> <p>7 And so I've been trying to capture what</p> <p>8 I've learned in a lifetime of working in this, and</p> <p>9 then I've been trying to communicate it to different</p> <p>10 people in different contexts.</p> <p>11 And so with Molly Russell, we had meetings</p> <p>12 with different people in government as well -- as</p> <p>13 well as with press in order to sort of accurately</p> <p>14 represent these issues so that the world could</p> <p>15 better understand -- so that parents could better</p> <p>16 know what's the nature of harm as it unfolds in</p> <p>17 Instagram and in the hope of reducing that harm in</p> <p>18 the future.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. Is your work in that regard that you just</p> <p>21 described pro bono work; in other words, time that</p> <p>22 you're spending to help online child safety is done</p> <p>23 without a fee, or you're not charging for that time?</p> <p>24 A. That's correct.</p> <p>25 MS. JONES: Excuse me.</p>	<p style="text-align: right;">Page 512</p> <p>1 Do you follow and have you followed over</p> <p>2 time Meta's executive statements to Congress and</p> <p>3 their testimony to Congress?</p> <p>4 A. Yes, I have.</p> <p>5 Q. Okay. I want to play you a statement real</p> <p>6 quick and ask you a question. It's Exhibit 48, is</p> <p>7 the slip sheet for the clip.</p> <p>8 (Marked for identification purposes, Bejar</p> <p>9 Exhibit 48.)</p> <p>10 MR. CARTMELL: And it is Clip 81.</p> <p>11 (Whereupon, video/audio played.)</p> <p>12 MS. JONES: Let me just object to the</p> <p>13 playing of the out-of-context statement by</p> <p>14 Mr. Zuckerberg and on a foundation.</p> <p>15 Go ahead.</p> <p>16 BY MR. CARTMELL:</p> <p>17 Q. That's Mr. Zuckerberg's testimony to</p> <p>18 Congress; correct?</p> <p>19 A. Correct.</p> <p>20 Q. You've seen that before?</p> <p>21 A. Yes.</p> <p>22 Q. What is your reaction to Mr. Zuckerberg's</p> <p>23 statement?</p> <p>24 A. That it's very misleading. He talks about</p> <p>25 designing products to improve well-being, but by</p>

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<p style="text-align: right;">Page 513</p> <p>1 what measure? What are the metrics around that?</p> <p>2 How -- do we have any transparency around them?</p> <p>3 And then they talk about designing products</p> <p>4 for teens. But, again, my experience was that the</p> <p>5 products that Instagram was working on were not</p> <p>6 designed for teens. And they didn't even design or</p> <p>7 implement appropriate teen safety features or</p> <p>8 products that were designed for the overall</p> <p>9 Instagram population.</p> <p>10 Q. Have you heard, Mr. Bejar, Mr. Zuckerberg</p> <p>11 in the public domain and as part of his testimony</p> <p>12 state that Meta spends billions of dollars on safety</p> <p>13 and has tens of thousands of employees working on</p> <p>14 safety? Have you heard those comments?</p> <p>15 A. Yes, I have.</p> <p>16 Q. What is your reaction to those comments?</p> <p>17 MS. JONES: Objection. Foundation.</p> <p>18 MR. CARTMELL: Let me ask the question.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. Based on your 30 years of experience as an</p> <p>21 online safety expert and your 8 years of experience</p> <p>22 working at Meta, two of those years as their safety</p> <p>23 consultant, what is your reaction to those</p> <p>24 statements by Mr. Zuckerberg?</p> <p>25 MS. JONES: Same objection. Foundation.</p>	<p style="text-align: right;">Page 515</p> <p>1 platform, does that mean that the platform is safe?</p> <p>2 MS. JONES: Objection. Foundation. And</p> <p>3 form.</p> <p>4 THE WITNESS: No. I think that doesn't</p> <p>5 mean the platform is safe. A car manufacturer could</p> <p>6 say -- have a car with 30 air bags, but if -- when</p> <p>7 the car crashes, people die frequently, then what</p> <p>8 good are those air bags?</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. The safety tools and features have to</p> <p>11 actually be adopted by people and effective to keep</p> <p>12 kids safe; is that right?</p> <p>13 A. That is correct. What matters is the</p> <p>14 measurement of harm and the reduction of harm.</p> <p>15 Q. Based on your work and your research that</p> <p>16 you continue to do related to the safety on</p> <p>17 Instagram, do you believe there are still large gaps</p> <p>18 in Meta's approach to safety on Instagram?</p> <p>19 MS. JONES: Objection. Foundation.</p> <p>20 THE WITNESS: Yes, I do.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. Do you believe that there are still severe</p> <p>23 harms happening to kids on Instagram?</p> <p>24 MS. JONES: Same objection. Foundation.</p> <p>25 THE WITNESS: Yes, I do.</p>
<p style="text-align: right;">Page 514</p> <p>1 And form.</p> <p>2 THE WITNESS: That it's a very misleading</p> <p>3 statement, because, for example, I think around the</p> <p>4 time I was there at Instagram, Meta had</p> <p>5 approximately 35,000 engineers, give or take. And</p> <p>6 the Instagram well-being team -- the subpart of the</p> <p>7 Instagram well-being team that was working on</p> <p>8 suicide, body-image issues, bullying and harassment,</p> <p>9 teen -- like, account -- like, the -- the usage</p> <p>10 features had around 10 or 15 engineers. And so that</p> <p>11 tells you in terms of prioritization.</p> <p>12 So when Mark Zuckerberg talks about the</p> <p>13 people, I believe that is likely counting all of the</p> <p>14 people that they hire to do content review and other</p> <p>15 people that are focusing on this policy violating</p> <p>16 sort of prevalence. But the number of actual people</p> <p>17 working on what we think of as safety features for</p> <p>18 teenagers is like a fraction of a percent of the</p> <p>19 numbers that Mark is quoting.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. Have you heard Meta say that they have over</p> <p>22 30 safety tools and features on Instagram?</p> <p>23 A. Yes, many times.</p> <p>24 Q. Based on your experience because a company</p> <p>25 says they have over 30 safety tools on their</p>	<p style="text-align: right;">Page 516</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Do you have any ill will towards Meta?</p> <p>3 A. Absolutely not. I really believe that it's</p> <p>4 a company that can accomplish the most extraordinary</p> <p>5 things when it sets its mind to it. But they have</p> <p>6 the capacity to build safety tools and to have</p> <p>7 transparency that would be deeply beneficial for the</p> <p>8 world.</p> <p>9 And each time that they announce something,</p> <p>10 I look at it with hope that it does what they say it</p> <p>11 does. And I have consistently found that the claims</p> <p>12 that they make about their safety tools do not</p> <p>13 accurately reflect what the safety tools actually</p> <p>14 do.</p> <p>15 And the first day that they announce</p> <p>16 something -- and I'm very happy to talk about this</p> <p>17 at any extent today -- that accurately prevents the</p> <p>18 harm that they're talking about it preventing, I</p> <p>19 will be the first person to say, "That tool is</p> <p>20 amazing. Congratulations to Instagram and Meta and</p> <p>21 the team for having done that."</p> <p>22 MS. JONES: Let me -- I'm sorry. I'm not</p> <p>23 sure if he was done, but I'm going to object to the</p> <p>24 narrative, nonresponsive portion of that answer.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 517</p> <p>1 (Stenographer interrupted for clarification 2 of the record.) 3 MR. CARTMELL: Mr. Bejar, thank you very 4 much for your time. I really appreciate it. That's 5 all the questions I have for you right now. I may 6 have some more after Meta's counsel asks you 7 questions. Thank you. 8 THE WITNESS: Okay. 9 THE VIDEOGRAPHER: Go off? 10 The time is 1:43. We're off the record. 11 (Recess taken from 1:43 to 1:51.) 12 THE VIDEOGRAPHER: The time is 1:51. We're 13 back on the record. 14 EXAMINATION BY MR. PHELPS 15 BY MR. PHELPS: 16 Q. Hello, Mr. Bejar. How are you? 17 A. Good. Thank you. 18 Q. I'll introduce myself on the record. My 19 name is Brian Phelps. I represent the State of 20 Tennessee. 21 You and I have had the chance to meet 22 before; right? 23 A. Yes. 24 Q. Okay. That was -- I actually took your 25 sworn statement in the context of an investigative</p>	<p style="text-align: right;">Page 519</p> <p>1 this briefly once or twice, and so I apologize, but 2 can you just remind me what the Meta Oversight Board 3 is? 4 A. It is a series of experts of the highest 5 caliber in the world around issues of policy and 6 speech that Meta gathered to look at difficult 7 decisions around the content moderation. 8 Q. And those topics we just discussed 9 regarding to safety on Instagram and transparency, 10 did you present some of the concerns you've just 11 discussed over the last day and a half with 12 Mr. Cartmell -- did you discuss those concerns with 13 the Meta Oversight Board in September of 2024? 14 A. Yes, I did. 15 Q. I'll introduce the next -- I have no clue 16 what exhibit we're on. 17 It's going to be 49. 18 (Marked for identification purposes, Bejar 19 Exhibit 49.) 20 BY MR. PHELPS: 21 Q. And this is a lengthy e-mail exchange 22 printout. You don't need to review the whole thing 23 unless you'd like to. I just have a couple of basic 24 questions about it. 25 And if you just take a second and refresh</p>
<p style="text-align: right;">Page 518</p> <p>1 subpoena that Tennessee served on you. 2 Do you recall that? 3 A. I do. 4 Q. Okay. And now, as then, you understand 5 you're under the obligation to tell the truth, just 6 like you were with Mr. Cartmell? 7 A. Yes, I do. 8 Q. Okay. I actually want to pick up and hit 9 on -- pick up where Mr. Cartmell left off to some 10 degree. 11 You talked with Mr. Cartmell extensively 12 about gaps in Meta's approach to teen safety; is 13 that right? 14 A. That's correct. 15 Q. And another issue you covered repeatedly 16 was that Meta needed to be much more transparent 17 with the public than it was being over the last 18 several years; is that true? 19 A. Yes. 20 Q. Okay. And you also discussed with 21 Mr. Cartmell those two issues, gaps in safety and 22 failure to be fully transparent led to harms to kids 23 that could have been avoided on Instagram; right? 24 A. Yes. 25 Q. Okay. And I think you may have touched on</p>	<p style="text-align: right;">Page 520</p> <p>1 yourself, and let me know what this e-mail exchange 2 is about. 3 A. Yeah. It was -- it was about the 4 Oversight Board engaging with me on issues, on both 5 my work and my views around teen mental health. 6 Q. And what were the circumstances that led 7 the Oversight Board to reach out to you, to the best 8 of your knowledge? 9 A. I had already done one engagement for them 10 after I left Instagram in -- I forget the year 11 precisely. And then I had received a message from 12 them about sort of my testimony and when I had 13 entered the public conversation around these issues. 14 Q. Okay. Who reached out to you, if you 15 recall? 16 A. I think it was [REDACTED], the 17 person in the e-mail thread here. 18 Q. And why did you decide it was worth your 19 time to interact with the Meta Oversight Board in 20 September of 2024? 21 A. Because I believe that they were 22 well-positioned to give Meta feedback and guidance 23 around content issues related to teenagers, and 24 there were lot -- also lots of people there that I 25 thought would benefit from understanding how harm</p>

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<p style="text-align: right;">Page 521</p> <p>1 plays out for teenagers online.</p> <p>2 Q. And did you have an understanding, based on</p> <p>3 your interactions with the board, that the board</p> <p>4 valued your experience and expertise given your long</p> <p>5 career in online safety issues?</p> <p>6 MS. JONES: Objection. Foundation.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MR. PHELPS:</p> <p>9 Q. And did you in September of 2024 prepare</p> <p>10 materials that you shared with the Oversight Board?</p> <p>11 A. Yes.</p> <p>12 MR. PHELPS: Let's mark the next exhibit,</p> <p>13 which is going to be Exhibit 50.</p> <p>14 (Marked for identification purposes, Bejar</p> <p>15 Exhibit 50.)</p> <p>16 BY MR. PHELPS:</p> <p>17 Q. You can set this e-mail chain to the side.</p> <p>18 Let me know when you've had a chance to</p> <p>19 thumb through that document.</p> <p>20 A. Yeah, I'm very familiar with it.</p> <p>21 Q. Okay. What is the document in front of</p> <p>22 you, Mr. Bejar?</p> <p>23 A. The document is a presentation that I</p> <p>24 prepared and then gave to members of the</p> <p>25 Oversight Board.</p>	<p style="text-align: right;">Page 523</p> <p>1 rest was discussion.</p> <p>2 Q. Okay. And is this document in front of you</p> <p>3 the slide show associated with the presentation you</p> <p>4 gave to the Oversight Board, the Meta Oversight</p> <p>5 Board?</p> <p>6 A. Correct.</p> <p>7 Q. Can we take a few minutes and just go</p> <p>8 through this document?</p> <p>9 A. Yes.</p> <p>10 Q. The title page represents that this was</p> <p>11 prepared for the Oversight Board by you on or around</p> <p>12 September 26th, 2024; is that right?</p> <p>13 A. Correct.</p> <p>14 Q. And is that an accurate statement?</p> <p>15 A. Yes.</p> <p>16 Q. We see on the next page (as read):</p> <p>17 "Public sources for this</p> <p>18 presentation."</p> <p>19 Do you see that?</p> <p>20 A. Correct.</p> <p>21 Q. We see an articulation of the problem.</p> <p>22 Do you see that page?</p> <p>23 A. Yes.</p> <p>24 Q. And this is actually something you</p> <p>25 discussed, I think it was yesterday, with</p>
<p style="text-align: right;">Page 522</p> <p>1 Q. Okay. And when you say you presented and</p> <p>2 gave to the Oversight Board, what do you -- can you</p> <p>3 paint me a picture what you mean by that in a little</p> <p>4 more detail?</p> <p>5 A. Yes. I provided a copy of this</p> <p>6 presentation.</p> <p>7 And then there was a Zoom meeting with</p> <p>8 members of the Oversight Board where I presented the</p> <p>9 materials and then I answered questions and had</p> <p>10 discussion around them.</p> <p>11 Q. Do you know -- do you recall who attended</p> <p>12 that discussion by Zoom?</p> <p>13 A. I don't recall.</p> <p>14 Q. Do you recall any of the -- any of the</p> <p>15 names?</p> <p>16 A. I do not.</p> <p>17 Q. Okay. Do you have a recollection of</p> <p>18 roughly the number of folks who attended that</p> <p>19 presentation?</p> <p>20 A. Probably I would say around 10 to 15; but,</p> <p>21 again, I don't recall in detail.</p> <p>22 Q. Do you remember how long the presentation</p> <p>23 lasted, roughly?</p> <p>24 A. Yeah. I think the presentation part was</p> <p>25 probably around half an hour or so. And then the</p>	<p style="text-align: right;">Page 524</p> <p>1 Mr. Cartmell; is that right?</p> <p>2 A. That's correct.</p> <p>3 Q. And so was your presentation to the board</p> <p>4 about the problem consistent with the testimony you</p> <p>5 provided in this deposition?</p> <p>6 A. Yes.</p> <p>7 Q. If you look at the next slide, there's a</p> <p>8 discussion of the prevalence of bullying and</p> <p>9 harassment that Meta posts on its Community</p> <p>10 Standards Enforcement Reports.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And the slide after contrasts what Meta</p> <p>14 makes public with what you learned in the BEEF</p> <p>15 survey; is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. And so here you were presenting to</p> <p>18 the Meta Oversight Board that concept we discussed</p> <p>19 yesterday and today regarding the discrepancy</p> <p>20 between Meta's internal metrics regarding bullying</p> <p>21 and harassment and what it was making public; is</p> <p>22 that true?</p> <p>23 A. Yes.</p> <p>24 MS. JONES: Objection to the form.</p> <p>25 THE WITNESS: Yes.</p>

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<p style="text-align: right;">Page 525</p> <p>1 BY MR. PHELPS:</p> <p>2 Q. And there's a description of -- on the next</p> <p>3 page -- of how there's a material gap between the</p> <p>4 approach Meta articulates in the public and what it</p> <p>5 has -- what it -- what it understands internally</p> <p>6 about bullying and harassment.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And so what you presented to the board on</p> <p>10 this slide is consistent with your testimony to</p> <p>11 Mr. Cartmell; is that true?</p> <p>12 A. Yes.</p> <p>13 Q. And we can go on and on through this</p> <p>14 presentation. We see concepts about unwanted to</p> <p>15 inappropriate content on page 8.</p> <p>16 Do you see that?</p> <p>17 A. M-hm.</p> <p>18 Q. Negative comparison on page 9?</p> <p>19 A. M-hm.</p> <p>20 Q. Self-harm on page 10?</p> <p>21 A. M-hm.</p> <p>22 Q. Issues with the approach focused on content</p> <p>23 policy.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 527</p> <p>1 BY MR. PHELPS:</p> <p>2 Q. Can you turn to Slide 18 titled "The impact</p> <p>3 of Meta's negligence"?</p> <p>4 You write (as read):</p> <p>5 "One of the most critical problems</p> <p>6 with all of these issues is that Meta's</p> <p>7 unwillingness to understand and address</p> <p>8 these issues creates an environment where</p> <p>9 harmful content and behavior is</p> <p>10 normalized."</p> <p>11 And then the last part of this slide, it</p> <p>12 says (as read):</p> <p>13 "Every risk discussed here could be</p> <p>14 meaningfully reduced in a short amount of</p> <p>15 time if it was a priority for Meta."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. You presented this message to Meta's</p> <p>19 Oversight Board?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Because you believe it?</p> <p>22 A. Absolutely.</p> <p>23 Q. You see the next slide titled "What could</p> <p>24 improve child safety?"</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 526</p> <p>1 Q. And for each of these sort of categories,</p> <p>2 you'd agree with me that you testified about those</p> <p>3 in depth in this deposition; right?</p> <p>4 A. Yes.</p> <p>5 Q. And the presentation you made to the Meta</p> <p>6 Oversight Board was consistent with the testimony</p> <p>7 you provided today?</p> <p>8 A. Correct.</p> <p>9 MS. JONES: Objection.</p> <p>10 BY MR. PHELPS:</p> <p>11 Q. In other words, what you've --</p> <p>12 MS. JONES: Excuse me. Excuse me.</p> <p>13 MR. PHELPS: I'm sorry.</p> <p>14 MS. JONES: Objection to the form.</p> <p>15 Go ahead.</p> <p>16 BY MR. PHELPS:</p> <p>17 Q. In other words, what you've told the jury</p> <p>18 here in the course of our time together is more or</p> <p>19 less the same thing that you told Meta's</p> <p>20 Oversight Board call it seven months ago; is that</p> <p>21 true?</p> <p>22 MS. JONES: Objection to the form and to</p> <p>23 the characterization.</p> <p>24 THE WITNESS: That is correct.</p> <p>25 ///</p>	<p style="text-align: right;">Page 528</p> <p>1 Q. What did you present to Meta's</p> <p>2 Oversight Board in terms of suggestions for how Meta</p> <p>3 could improve child safety?</p> <p>4 A. That it was essential to have transparency</p> <p>5 that incentivizes the reduction of harm that teens</p> <p>6 experience in Meta products.</p> <p>7 That for unwanted content and unwanted</p> <p>8 contact, there needs to be an easy way for people to</p> <p>9 report to them Step 1 of the framework.</p> <p>10 Require that independent academic experts</p> <p>11 are embedded in the product teams with the engineers</p> <p>12 to work on issues of teen health and safety.</p> <p>13 A thorough investigation of under 13</p> <p>14 accounts and the kind of content that sexualizes and</p> <p>15 exploits them.</p> <p>16 And a process to ensure that there are</p> <p>17 lessons learned and reasonable product changes after</p> <p>18 a teen dies or ends up in hospital.</p> <p>19 Q. And you presented these recommendations to</p> <p>20 the Meta Oversight Board as well; is that true?</p> <p>21 A. Yes, I did.</p> <p>22 Q. When you look at these recommendations for</p> <p>23 how to improve child safety, are these geared at</p> <p>24 increasing just content moderation within Meta or</p> <p>25 are you recommending from a fundamental shift in how</p>

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<p style="text-align: right;">Page 529</p> <p>1 the company approaches child safety on its social 2 media products? 3 MS. JONES: Objection to the form. 4 THE WITNESS: I am recommending a 5 fundamental shift in the approach of child safety in 6 the product and throughout my work on this have not 7 advocated for changes to content -- substantial 8 changes to content moderation or change policies. 9 The harm lives in many other places. 10 BY MR. PHELPS: 11 Q. You can set that document to the side. 12 You touched on the issue of product 13 features in passing a couple of different times with 14 Mr. Cartmell, but I want to spend a few minutes 15 focusing on product features that Meta touts as 16 related to safety, if that's okay with you. 17 A. Yes. 18 Q. Do I understand correctly that you have 19 experience working in building safety features 20 related to online environments including social 21 media platforms? 22 A. Yes. 23 Q. Could you just briefly -- it's been awhile 24 since yesterday morning. Could you just briefly 25 reorient us and the jury to your experience in</p>	<p style="text-align: right;">Page 531</p> <p>1 number of years, working in consulting at Meta for a 2 number of years, has the potential negative impact 3 on growth or engagement or revenue been a factor in 4 deciding whether the company would launch a safety 5 feature? 6 MS. JONES: Objection. Foundation. 7 THE WITNESS: I believe so. 8 BY MR. PHELPS: 9 Q. If a proposed safety feature at Meta had a 10 negative impact on growth or engagement, would that 11 make it more or less difficult for that -- for the 12 team to get that feature launched? 13 MS. JONES: Same objection. 14 THE WITNESS: More difficult. 15 BY MR. PHELPS: 16 Q. From your experience working in consulting 17 for Meta, are safety features subjected to a higher 18 standard of proof in order for them to be launched 19 as compared to growth features? 20 MS. JONES: Objection. Foundation. 21 THE WITNESS: Yes, they are. 22 BY MR. PHELPS: 23 Q. Can you explain that just sort of in 24 layman's terms for someone who hasn't worked on 25 these issues as deeply as you have?</p>
<p style="text-align: right;">Page 530</p> <p>1 building safety features geared at online safety? 2 A. So for the 11 years I worked at Yahoo, I 3 developed both as an engineer, as an engineering 4 manager -- (inaudible) 5 (Stenographer interrupted for clarification 6 of the record.) 7 THE WITNESS: -- sort of features that had 8 to do with general user safety as well as the safety 9 of minors. 10 When I got hired by Facebook, that was what 11 I was hired to do, to manage the engineering team 12 and then the engineering and the product team that 13 build the infrastructure that kept people safe, 14 including features including teenagers. And I did 15 that for six years. 16 BY MR. PHELPS: 17 Q. When you returned to Instagram in 2019, did 18 you advise folks within Instagram on the well-being 19 team about safety features they might build? 20 A. Yes, I did. 21 Q. And we're going to have the opportunity to 22 talk about some product features specifically, but I 23 want to get your perspective on some high-level 24 concepts before we dig into specific examples. 25 From your experience working at Meta for a</p>	<p style="text-align: right;">Page 532</p> <p>1 A. Absolutely. I think that if I have an idea 2 of something that's going to make more people look 3 at a video longer, like a -- either a change to the 4 algorithm that's recommending the videos or a 5 notification or like a button or something in the -- 6 a design interface, I can build it and I can test 7 it. And if it shows that it makes that better, then 8 away it goes. It gets shipped. It touches a lot of 9 people's lives. 10 This was in every feature that I 11 experienced from my first day at Facebook in 2009. 12 Q. And that -- and what you just described 13 relates to the scrutiny placed on growth that are 14 engagement-related features; right? 15 A. Correct. 16 Q. And how would that contrast with the way 17 safety-related features are scrutinized? 18 A. So during my tenure and as a consultant, 19 there was, for example, a feature where there was 20 something that would help a teen girl who was 21 doomscrolling beauty content. So a teen girl 22 falling into a dark hole of body-image content is 23 the translation of that. 24 And the team knew when it was happening. 25 They knew what content the teen girl was looking at</p>

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<p style="text-align: right;">Page 533</p> <p>1 and had developed an intervention to push the 2 teenager away from that kind of content. And rather 3 than being able to ship it and test it and see how 4 well it made a difference on that, instead there was 5 scrutiny from multiple teams: policy, legal, 6 cross-functional. It took a long time to get 7 something out. 8 And then the feature got watered down on 9 its way to users such that by the time it shipped, 10 it was a shadow of what it could have been. 11 Q. In your experience, does -- do public 12 relations play a role in determining whether and 13 when Meta launches safety features? 14 A. Yes. 15 Q. Do you know from your experience whether 16 Meta tends to launch safety features in response to 17 external pressure? 18 MS. JONES: Objection. Foundation. 19 THE WITNESS: Yes. 20 BY MR. PHELPS: 21 Q. And what is your understanding? 22 A. That if there's an article that gets or is 23 going to get a lot of traction, if there is 24 testimony that is coming up, that there are these 25 public events that are -- get a lot of attention,</p>	<p style="text-align: right;">Page 535</p> <p>1 couple of times. 2 Do I recall correctly that that's a teen 3 who died by suicide? 4 A. Yes. 5 MS. JONES: Well, let me object as asked 6 and answered. We just talked about Ms. Russell 7 earlier today. 8 BY MR. PHELPS: 9 Q. Did you -- do I recall that you followed 10 her place -- that you followed her case closely over 11 the years? 12 A. I began following her case when I began 13 talking with her dad about his experience. 14 Q. Okay. 15 A. And then I looked at it in depth after 16 that. 17 Q. I'm going to hand you an exhibit. This is 18 going to be 41. 19 TRIAL TECHNICIAN: Fifty-one. 20 MR. PHELPS: Fifty-one. 21 (Marked for identification purposes, Bejar 22 Exhibit 51.) 23 BY MR. PHELPS: 24 Q. And we're not going to go back into depth 25 here, Mr. Bejar, with her tragic story. But why</p>
<p style="text-align: right;">Page 534</p> <p>1 that those correlate or coincide with announcements 2 of safety features. 3 Q. Did you, during your first six years at the 4 company, have experience in being asked to build 5 features quickly because of public scrutiny? 6 A. Yes, I did. 7 Q. Can you tell me just at a high level a 8 little bit about that experience? 9 A. I spoke about it yesterday. One of many 10 examples was a crisis around privacy. And Mark 11 asked a small team, including me, that he had 12 two weeks to redo the privacy controls so that then 13 he would be able to speak about the new master 14 privacy control in a way that would help address the 15 narrative for the company. 16 Q. The narrative in a -- in a public domain? 17 A. That's correct. 18 Q. And do I understand you correctly that 19 you've seen that pattern continue to play out in 20 this domain of public safety that we've been 21 discussing? 22 MS. JONES: Objection. Foundation. 23 THE WITNESS: That's correct. 24 BY MR. PHELPS: 25 Q. Okay. You've discussed Molly Russell a</p>	<p style="text-align: right;">Page 536</p> <p>1 don't you just give this document a quick look so I 2 can ask you one or two questions about it. 3 Do you know what this document is? 4 A. Yeah. It's -- it's a coroner's regulation 5 report to prevent future deaths. 6 Q. Okay. Have you seen this document before? 7 A. I have not. 8 Q. Does this indicate in the circumstances of 9 death -- do you have any reason to dispute that this 10 is an accurate reproduction of a -- of a coroner's 11 report? 12 MS. JONES: Objection. Foundation. 13 THE WITNESS: I do not. 14 (Stenographer interrupted for clarification 15 of the record.) 16 BY MR. PHELPS: 17 Q. And do you see the Circumstances of Death 18 section? 19 A. Yes. 20 Q. Okay. And does it indicate that 21 Ms. Russell passed away in November 2017? 22 A. Correct. 23 Q. And the rest of that section sort of 24 provides an overview of the story that we've -- that 25 you discussed with Mr. Cartmell earlier; is that</p>

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<p style="text-align: right;">Page 537</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. And is this kind of consistent with your</p> <p>4 understanding of the circumstances of Molly's death?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. When you testified a few minutes ago</p> <p>7 that Meta has a tendency to launch product features</p> <p>8 after facing public scrutiny, is the Molly Russell</p> <p>9 case an example of that, in your view?</p> <p>10 MS. JONES: Bless you.</p> <p>11 And objection. Foundation.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. PHELPS:</p> <p>14 Q. You can set this document to the side, and</p> <p>15 I'm going to hand you what we'll mark as Exhibit 52.</p> <p>16 (Marked for identification purposes, Bejar</p> <p>17 Exhibit 52.)</p> <p>18 MR. PHELPS: And, Jim, while we -- before</p> <p>19 we load up 52, why don't we just do the first page</p> <p>20 of the demonstrative that we're going to work</p> <p>21 through. I guess the second page.</p> <p>22 BY MR. PHELPS:</p> <p>23 Q. And so we're going to come back to this</p> <p>24 demonstrative, Mr. Bejar, a couple of times, but do</p> <p>25 you -- does this date on the slide show in front of</p>	<p style="text-align: right;">Page 539</p> <p>1 Calls for speculation.</p> <p>2 BY MR. PHELPS:</p> <p>3 Q. Do you see a reference to suicide content</p> <p>4 in the first paragraph of this document?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And so the health secretary is</p> <p>7 making a call -- is publicly calling out companies,</p> <p>8 including Meta; right?</p> <p>9 A. Correct.</p> <p>10 Q. And do you see a date on this document?</p> <p>11 A. Yes. Saturday, 26th of January, 2019.</p> <p>12 Q. Okay. So more than a year after Molly's</p> <p>13 death; right?</p> <p>14 A. Yes.</p> <p>15 MR. PHELPS: Let's do Exhibit 53.</p> <p>16 (Marked for identification purposes, Bejar</p> <p>17 Exhibit 53.)</p> <p>18 BY MR. PHELPS:</p> <p>19 Q. Mr. Bejar, what is the document we've</p> <p>20 handed you as Exhibit 53?</p> <p>21 A. It is a press release by Instagram about</p> <p>22 changes that they're doing around -- I mean, from</p> <p>23 what I can see it's about SSI -- or self-harm</p> <p>24 content.</p> <p>25 Q. The first two paragraphs read (as read):</p>
<p style="text-align: right;">Page 538</p> <p>1 you, on the timeline in front of you, reflect the</p> <p>2 date of Molly's passing that we just looked at?</p> <p>3 A. Yes, it does.</p> <p>4 MR. PHELPS: Okay. Let's go to -- let's</p> <p>5 bring 52 up, Jim.</p> <p>6 BY MR. PHELPS:</p> <p>7 Q. Mr. Bejar, what is Exhibit 52?</p> <p>8 A. It's an article from The Observer about</p> <p>9 Molly Russell and the health secretary telling</p> <p>10 social media companies to protect children after her</p> <p>11 death.</p> <p>12 Q. It says -- I think what you're referring to</p> <p>13 is in the second paragraph. It says Matt Hancock,</p> <p>14 the health secretary, has warned companies,</p> <p>15 including Meta and others, that he will use the</p> <p>16 force to law to act should they fail to remove</p> <p>17 inappropriate content.</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. And given this context, that would be</p> <p>21 content related to suicide, presumably?</p> <p>22 MS. JONES: Objection. Foundation. Calls</p> <p>23 for --</p> <p>24 THE WITNESS: Correct.</p> <p>25 MS. JONES: Excuse me.</p>	<p style="text-align: right;">Page 540</p> <p>1 "At Instagram, nothing is more</p> <p>2 important to us than the safety of people</p> <p>3 in the community. Over the past month,</p> <p>4 we have seen that we are not where we</p> <p>5 need to be on self-harm and suicide and</p> <p>6 that we need to do more to keep the most</p> <p>7 vulnerable people who use Instagram safe.</p> <p>8 "That's why today, following a</p> <p>9 comprehensive review with global experts</p> <p>10 and academics on youth, mental health,</p> <p>11 and suicide prevention, we're announcing</p> <p>12 further changes to our approach on</p> <p>13 self-harm content."</p> <p>14 And then there's a -- it goes on.</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Okay. And we don't need to get back into</p> <p>18 the details on this, but do I recall from your</p> <p>19 testimony over the course of this deposition that</p> <p>20 you did not believe that Instagram solved the issue</p> <p>21 of suicide and self-injury content at this time; is</p> <p>22 that true?</p> <p>23 MS. JONES: Objection. Foundation. Form.</p> <p>24 THE WITNESS: That's true.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 541</p> <p>1 BY MR. PHELPS:</p> <p>2 Q. Okay. But they, nevertheless, put a press</p> <p>3 release in -- that we see here relating to changes</p> <p>4 they were making to suicide and self-injury</p> <p>5 policies; right?</p> <p>6 MS. JONES: Excuse me.</p> <p>7 Objection to the characterization of the</p> <p>8 document.</p> <p>9 (Stenographer interrupted for clarification</p> <p>10 of the record.)</p> <p>11 THE WITNESS: Sorry. Could you repeat the</p> <p>12 question?</p> <p>13 BY MR. PHELPS:</p> <p>14 Q. The company, nevertheless, put out a</p> <p>15 press -- let me just ask them all again.</p> <p>16 Do I recall correctly that you did not</p> <p>17 think that at the time of this document Instagram</p> <p>18 had adequately addressed the issue of suicide and</p> <p>19 self-injury content on Instagram?</p> <p>20 A. At this time they had not addressed the</p> <p>21 issues. And when I look at the list of what's</p> <p>22 changing, many of the things described here I was</p> <p>23 able to reproduce in 2024 and 2025.</p> <p>24 Q. Okay. And nonetheless, they put out this</p> <p>25 press release at this time.</p>	<p style="text-align: right;">Page 543</p> <p>1 November 2017.</p> <p>2 The health minister letter, January 2019;</p> <p>3 right?</p> <p>4 And then we see Meta announces changes just</p> <p>5 a couple of weeks later.</p> <p>6 MR. PHELPS: And if you go one more, Jim.</p> <p>7 BY MR. PHELPS:</p> <p>8 Q. Just a couple of weeks later in</p> <p>9 February 2019; is that right, based on the documents</p> <p>10 we just saw?</p> <p>11 A. Correct.</p> <p>12 Q. You can put those documents to the side.</p> <p>13 MS. JONES: And, Counsel, can I just have a</p> <p>14 running objection to this demonstrative, so I don't</p> <p>15 have to keep objecting to it?</p> <p>16 MR. PHELPS: You may.</p> <p>17 MS. JONES: Okay. Thank you.</p> <p>18 BY MR. PHELPS:</p> <p>19 Q. Do I recall that not just building but also</p> <p>20 assessing product features related to safety was</p> <p>21 something you did throughout 30 years -- throughout</p> <p>22 your 30 years working on online safety?</p> <p>23 A. Yeah.</p> <p>24 MS. JONES: Objection to the -- excuse me.</p> <p>25 Objection to the form.</p>
<p style="text-align: right;">Page 542</p> <p>1 Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. And what's the date of this press release?</p> <p>4 A. February 7th, 2019.</p> <p>5 Q. And when you -- if you look back at</p> <p>6 Exhibit 52, the last exhibit we gave you, what's the</p> <p>7 relationship between the date of this article about</p> <p>8 the company receiving a letter from the British</p> <p>9 health secretary and this blog post?</p> <p>10 A. That --</p> <p>11 MS. JONES: I'm sorry, Mr. Bejar.</p> <p>12 Let me object to the form and foundation.</p> <p>13 Go ahead.</p> <p>14 THE WITNESS: That they're very closely</p> <p>15 timed to each other. And in my experience working</p> <p>16 at Meta, that it was likely that they were related.</p> <p>17 BY MR. PHELPS:</p> <p>18 Q. Okay. You don't think it's a coincidence?</p> <p>19 A. I don't think so.</p> <p>20 MR. PHELPS: And, Jim, can we just go back</p> <p>21 to the demonstrative and move that forward.</p> <p>22 BY MR. PHELPS:</p> <p>23 Q. Okay. So we have -- do you see this</p> <p>24 demonstrative back in front of you?</p> <p>25 You see Molly Russell suicide,</p>	<p style="text-align: right;">Page 544</p> <p>1 BY MR. PHELPS:</p> <p>2 Q. Are there specific factors that you</p> <p>3 consider when assessing whether a feature is likely</p> <p>4 to be effective in keeping people safe online?</p> <p>5 A. Yes, there are.</p> <p>6 Q. And we'll be able to look at a couple of</p> <p>7 examples, but could you give us a high-level sense</p> <p>8 of some of the factors that you consider when</p> <p>9 assessing whether a feature is likely to be</p> <p>10 effective in keeping people safe online?</p> <p>11 A. Yes. Assessing safety features is very</p> <p>12 similar to assessing security features where you</p> <p>13 want to be able to take the feature and test around</p> <p>14 it and in it to see if it effectively prevents the</p> <p>15 harm; right?</p> <p>16 A security feature like a login page where</p> <p>17 you type in your username and password is no good if</p> <p>18 you can just get around it and hack -- get access to</p> <p>19 somebody's data.</p> <p>20 And so you kind of have to look at safety</p> <p>21 features the same way, which is, are they easily to</p> <p>22 circumvent? Do they protect against what they say</p> <p>23 they protect against? And -- and then what are the</p> <p>24 accurate representations that you can make about how</p> <p>25 the safety feature is implemented?</p>

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<p style="text-align: right;">Page 545</p> <p>1 And as I said, look, from a lifetime of 2 doing this, they just kind of have to be sturdy. If 3 you think of a toy, you kind of want a toy that when 4 you bang on the table, it doesn't fall apart into 5 things that the kid can swallow. It is the modern 6 equivalent of that. 7 Q. From your experience within Meta and in the 8 industry more broadly, is whether a feature opt in 9 versus opt out -- would that impact your assessment 10 of whether the feature is likely to be effective at 11 keeping people safe? 12 A. Yes. I have a lot of experience with that. 13 Security features that were opt in, no matter how 14 much protection they're afforded, were -- had 15 extremely low adoption rates, even when we had 16 meaningful efforts to get people to adopt them. 17 Q. What about -- so, in other words, if a -- 18 if a feature is opt in as opposed to opt out, it's 19 less likely to keep -- let me withdraw that. 20 For example, if a feature is opt in, it's 21 less likely to be effective at keeping people safe 22 than if it were opt out, everything else being 23 equal? 24 MS. JONES: I'm sorry, Counsel. 25 Objection to the form and foundation.</p>	<p style="text-align: right;">Page 547</p> <p>1 even less people go into the menus that the settings 2 offer. And so if you want somebody to use a 3 feature, you put it in the front page. You make it 4 responsive to touch on the user interface. You 5 point people at it. 6 There is many things that are 7 well-understood in the industry that you can do in 8 order to drive feature discovery and usage. 9 Q. Okay. So making a feature that's sort of 10 hidden away in the settings, that would make it less 11 likely to be effective in keeping people safe than 12 if it were more prominently displayed. 13 Do I understand that correctly? 14 MS. JONES: Objection to the form. 15 THE WITNESS: Yes. 16 BY MR. PHELPS: 17 Q. And these factors that we've been 18 discussing, I think we've been framing them in broad 19 terms. 20 Would those same factors be applicable if 21 you are assessing whether a safety feature is likely 22 to be effective for teenager users, in particular? 23 A. Yes. The -- where you put it in the 24 product and the language that you use for it makes 25 an incredible amount of difference in the likelihood</p>
<p style="text-align: right;">Page 546</p> <p>1 THE WITNESS: Yes. Like by a very large 2 margin. We're talking about, like, maybe 1 or 3 2 percent of people if you're really doing well 4 adopting the -- like, the safety or security 5 feature. 6 So then that means that 99 percent of 7 people do not adopt that. That's why the -- you 8 need to know what is the adoption rate of these 9 things to understand how effectively they are 10 reducing harm. 11 BY MR. PHELPS: 12 Q. Separate from opt in versus opt out, from 13 your experience in the industry, could the 14 prominence of the feature in terms of display, 15 meaning whether it's on the home screen versus 16 somewhere users would have to toggle in the 17 settings, could that impact how you'd assess whether 18 a feature is likely to keep people safe on a 19 platform? 20 MS. JONES: Objection to form and 21 foundation. 22 THE WITNESS: Significantly. 23 BY MR. PHELPS: 24 Q. Can you tell me a little more about that? 25 A. Yes. Very few people go to settings, and</p>	<p style="text-align: right;">Page 548</p> <p>1 of a teenager using the product. 2 Q. Same with this concept of opt in versus opt 3 out? 4 A. Correct. 5 Q. Why? 6 A. In my experience, people only ever access 7 security features or these kind of things at a 8 moment of distress. 9 So we have the safety -- the security 10 center for accounts, and nobody ever visited it. We 11 would show you at login, "Hey, check your security 12 settings. Come on down." And almost nobody clicked 13 through that. But if your account got hacked or 14 you're worried about it, man, you were in and you 15 would work on it. 16 So in my experience with teenagers, from 17 the products that we built and everything we learned 18 from 2010 to 2015, they don't go into settings. It 19 kind of has to be right there for them when they ask 20 for help. And even then, you have to get the 21 language right, otherwise they just won't click on 22 it. 23 MR. PHELPS: Let's mark Exhibit 54. 24 (Marked for identification purposes, Bejar 25 Exhibit 54.)</p>

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<p style="text-align: right;">Page 549</p> <p>1 BY MR. PHELPS:</p> <p>2 Q. Have you seen this document before,</p> <p>3 Mr. Bejar?</p> <p>4 A. Yes, I have.</p> <p>5 Q. What is this document at a high level?</p> <p>6 A. This document is a list of tools and</p> <p>7 features and resources that Meta has announced as</p> <p>8 safety features --</p> <p>9 Q. Okay.</p> <p>10 A. -- or safety tools.</p> <p>11 Q. And in this document, Meta is publicly</p> <p>12 calling attention to products that it is touting as</p> <p>13 helping keep teens safe online; right?</p> <p>14 A. That's correct.</p> <p>15 Q. From your time at the company, do you have</p> <p>16 an understanding of why Meta would want to showcase</p> <p>17 these features publicly and externally in this way?</p> <p>18 MS. JONES: Objection to the form and</p> <p>19 foundation.</p> <p>20 THE WITNESS: What I've noticed is</p> <p>21 whenever, in recent times, substantive articles have</p> <p>22 come that articulate -- that talk about harm that</p> <p>23 happens on -- on Instagram, the response tends to be</p> <p>24 "We have 30 or different number of safety features,</p> <p>25 and that's how we show our commitment to safety of</p>	<p style="text-align: right;">Page 551</p> <p>1 BY MR. PHELPS:</p> <p>2 Q. Do you recall how many people were using</p> <p>3 Instagram in 2019?</p> <p>4 A. I think it was around 1 billion.</p> <p>5 Q. Do you think safety should have been</p> <p>6 Instagram's top priority in 2019 when it had over a</p> <p>7 billion people on the platform?</p> <p>8 A. Absolutely.</p> <p>9 Q. Do you think it's responsible for a company</p> <p>10 like Meta to be operating a platform like Instagram</p> <p>11 with over 1 billion people on it, many of them kids,</p> <p>12 and not treat safety as the number one priority?</p> <p>13 MS. JONES: Objection to the form.</p> <p>14 THE WITNESS: I think it's negligent for</p> <p>15 them to do so.</p> <p>16 BY MR. PHELPS:</p> <p>17 Q. You can set this document to the side.</p> <p>18 I want to spend the next few minutes</p> <p>19 focusing on one specific safety issue, the issue of</p> <p>20 social media addiction.</p> <p>21 Are you familiar with that concept?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. You spoke yesterday and maybe</p> <p>24 earlier today with Mr. Cartmell about your work at</p> <p>25 Meta from 2009 to 2015; is that right?</p>
<p style="text-align: right;">Page 550</p> <p>1 teenagers."</p> <p>2 And I've seen this used in both press and I</p> <p>3 believe in testimony sometimes.</p> <p>4 BY MR. PHELPS:</p> <p>5 Q. Do I recall from -- you had an exchange</p> <p>6 with Mr. Cartmell where you said it's your</p> <p>7 assessment that Meta's safety features do not keep</p> <p>8 users safe on Instagram?</p> <p>9 A. Yes. These -- almost all of these tools do</p> <p>10 not do what they say they do on their pages.</p> <p>11 Q. And when you were working or consulting for</p> <p>12 Instagram between 2019 and 2021, was launching</p> <p>13 effective safety features a top priority for</p> <p>14 Instagram?</p> <p>15 A. It was not.</p> <p>16 Q. During that time period, did you witness</p> <p>17 the company spending more resources on safety</p> <p>18 features or features geared at increasing</p> <p>19 engagement?</p> <p>20 MS. JONES: Objection. Foundation.</p> <p>21 THE WITNESS: At features geared at</p> <p>22 increasing engagement. I saw the -- I saw the</p> <p>23 company investing more on Reels and other products</p> <p>24 over the safety tools.</p> <p>25 ///</p>	<p style="text-align: right;">Page 552</p> <p>1 A. Yes.</p> <p>2 Q. And during that time period, you were the</p> <p>3 head of Meta's protect and care team; is that true?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And that position involved working</p> <p>6 to keep people safe on Facebook; right?</p> <p>7 A. Yes.</p> <p>8 Q. And during that time period, was social</p> <p>9 media addiction an issue you understood the company</p> <p>10 to be working on? And I'm referring to the 2009 to</p> <p>11 2015 time period.</p> <p>12 MS. JONES: Objection. Foundation.</p> <p>13 THE WITNESS: It was not. I mean, I think</p> <p>14 the -- both Facebook and Instagram was about seeing</p> <p>15 the post of the people that you followed. It didn't</p> <p>16 have all of these infinite scroll features. It</p> <p>17 didn't have algorithmic feeds. I think that the</p> <p>18 first good paper understanding and highlighting</p> <p>19 these issues came out around 2016, I believe.</p> <p>20 BY MR. PHELPS:</p> <p>21 Q. Okay. And that was going to be my</p> <p>22 question, is if -- well, let me ask you this: If</p> <p>23 addiction were something the company were focused on</p> <p>24 between 2009 and 2015, would that have fallen on the</p> <p>25 plate of the protect and care team that you were</p>

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<p style="text-align: right;">Page 553</p> <p>1 leading?</p> <p>2 A. Yes.</p> <p>3 MS. JONES: Hold on.</p> <p>4 Objection. Foundation.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. PHELPS:</p> <p>7 Q. But it wasn't; right?</p> <p>8 A. Correct.</p> <p>9 Q. And based on your experience as an online</p> <p>10 safety expert, somebody who pays attention to the</p> <p>11 industry, are you aware of any changes to the</p> <p>12 Instagram product between the time you left in 2015</p> <p>13 and the time you rejoined in 2019 that might have</p> <p>14 made the Instagram product more addictive or more</p> <p>15 difficult for users to turn away from?</p> <p>16 MS. JONES: Objection to the form.</p> <p>17 Foundation.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. PHELPS:</p> <p>20 Q. Could you give me just a high-level</p> <p>21 understanding of what those changes were?</p> <p>22 A. It's the shift from only getting the</p> <p>23 content of the people that you follow in</p> <p>24 chronological order to instead getting fed an</p> <p>25 infinite stream of the images, depending on the</p>	<p style="text-align: right;">Page 555</p> <p>1 THE VIDEOGRAPHER: The time is 2:39. We're</p> <p>2 back on the record.</p> <p>3 BY MR. PHELPS:</p> <p>4 Q. One of those topics you discussed when you</p> <p>5 were rejoining Instagram -- strike that.</p> <p>6 Let me rephrase -- rephrase that.</p> <p>7 Was one of -- was addiction, slash,</p> <p>8 problematic use one of the topics you discussed when</p> <p>9 you were -- when you rejoined Instagram?</p> <p>10 MS. JONES: Objection to the -- excuse me.</p> <p>11 Objection to the form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. PHELPS:</p> <p>14 Q. What did you learn at that time about the</p> <p>15 concept of social media addiction from your</p> <p>16 colleagues within Instagram?</p> <p>17 MS. JONES: Same objection to the form.</p> <p>18 And also asked and answered.</p> <p>19 THE WITNESS: That it was a -- somewhat of</p> <p>20 a radioactive topic, that if you worked on it, it</p> <p>21 invited attention from executives. And there were</p> <p>22 some words we were not supposed to use, for example.</p> <p>23 BY MR. PHELPS:</p> <p>24 Q. Let me write that down. There were a</p> <p>25 couple -- let me ask you this question first: Did</p>
<p style="text-align: right;">Page 554</p> <p>1 surface, on search, all these areas, where you can</p> <p>2 just spend as much time as you're called to do. And</p> <p>3 those areas being fed by algorithms that are</p> <p>4 optimized for engagement.</p> <p>5 Q. And so by the time you began working at the</p> <p>6 company, again, in 2019, there was an increase in</p> <p>7 features, at least of Instagram, that would tend to</p> <p>8 have this addicting effect; right?</p> <p>9 MS. JONES: Objection. Foundation. Form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. PHELPS:</p> <p>12 Q. Okay. And do I recall correctly that when</p> <p>13 you rejoined Instagram in 2019, one of your</p> <p>14 objectives when you started was to talk to people</p> <p>15 within the company about topics relating to user</p> <p>16 well-being?</p> <p>17 A. Correct.</p> <p>18 Q. And --</p> <p>19 A. Excuse me.</p> <p>20 (Discussion off the stenographic record.)</p> <p>21 MR. PHELPS: Why don't we take one second</p> <p>22 off the record.</p> <p>23 THE VIDEOGRAPHER: The time is 2:36. We're</p> <p>24 off the record.</p> <p>25 (Recess taken from 2:36 to 2:38.)</p>	<p style="text-align: right;">Page 556</p> <p>1 you learn from colleagues that there was a serious</p> <p>2 problem with users becoming addicted or being</p> <p>3 addicted to Instagram?</p> <p>4 A. Yes.</p> <p>5 Q. And do I understand your testimony</p> <p>6 correctly that in spite of this serious problem,</p> <p>7 there was an understanding within folks working on</p> <p>8 well-being issues that the concept of addiction was</p> <p>9 radioactive within the company?</p> <p>10 MS. JONES: Objection to the form. Asked</p> <p>11 and answered.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. PHELPS:</p> <p>14 Q. And when you -- you used the phrase to "it</p> <p>15 would draw attention from executives."</p> <p>16 Is that unwanted or negative attention if</p> <p>17 executives learned that folks were working on</p> <p>18 addiction? Was that your understanding?</p> <p>19 A. Yes.</p> <p>20 Q. Was there an effort within the company to</p> <p>21 use the term "problematic use" rather than the term</p> <p>22 "addiction," as you understood it?</p> <p>23 A. Yes.</p> <p>24 Q. Do you think the way the issue of addiction</p> <p>25 or problematic use was handled within Meta was</p>

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<p style="text-align: right;">Page 557</p> <p>1 driven by public relations concerns?</p> <p>2 MS. JONES: Objection. Foundation.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. PHELPS:</p> <p>5 Q. What do you mean by that?</p> <p>6 A. It means that what I found at the time was</p> <p>7 that what the company was trying to do was to change</p> <p>8 the conversation in a misleading way by redefining</p> <p>9 words, like being able to say, "We've looked at</p> <p>10 problematic usage and found that it doesn't affect a</p> <p>11 lot of people."</p> <p>12 And they kind of redefined each of these</p> <p>13 words in order to be able to make that statement,</p> <p>14 which is, I think, something that they've continued</p> <p>15 to do in other areas rather than to say, "Yeah, this</p> <p>16 is -- this is an issue. We're going to investigate</p> <p>17 it with transparency. We're going to invite experts</p> <p>18 and invite them to talk about our understanding of</p> <p>19 this issue and the effectiveness of the measures</p> <p>20 that we have."</p> <p>21 And then I think everybody would be like,</p> <p>22 "Great."</p> <p>23 Q. Everybody within the well-being teams but</p> <p>24 maybe not necessarily everyone at the executive</p> <p>25 level; right?</p>	<p style="text-align: right;">Page 559</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Let's take a look at this first</p> <p>3 paragraph. Starting with "Today we are announcing."</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. I want to focus you --</p> <p>7 MR. PHELPS: And, Jim, if we could</p> <p>8 underline or highlight the last two sentences of</p> <p>9 that first paragraph, "We want the time," through</p> <p>10 the end of that paragraph.</p> <p>11 BY MR. PHELPS:</p> <p>12 Q. It says (as read):</p> <p>13 "We want the time people spend on</p> <p>14 Facebook and Instagram to be intentional,</p> <p>15 positive, and inspiring. Our hope is</p> <p>16 that these tools give people more control</p> <p>17 over the time they spend on our platforms</p> <p>18 and also foster conversation between</p> <p>19 parents and teens about the online habits</p> <p>20 that are right for them."</p> <p>21 Did I read that right, Mr. Bejar?</p> <p>22 A. Yes.</p> <p>23 Q. And with those two sentences, what's your</p> <p>24 understanding of what is being conveyed to the</p> <p>25 public?</p>
<p style="text-align: right;">Page 558</p> <p>1 MS. JONES: Let me just object.</p> <p>2 Foundation.</p> <p>3 MR. PHELPS: I can withdraw the question.</p> <p>4 THE WITNESS: Okay.</p> <p>5 BY MR. PHELPS:</p> <p>6 Q. Based on your conversations with colleagues</p> <p>7 in 2019, do you recall whether Meta had implemented</p> <p>8 effective features relating to problematic use or</p> <p>9 addiction?</p> <p>10 A. They had not.</p> <p>11 Q. Okay. Let's look at the next exhibit,</p> <p>12 which will be Exhibit 55.</p> <p>13 (Marked for identification purposes, Bejar</p> <p>14 Exhibit 55.)</p> <p>15 BY MR. PHELPS:</p> <p>16 Q. When you've had the chance to take a look,</p> <p>17 can you just let me know what you understand</p> <p>18 Exhibit 55 to be? And then I'll ask you some</p> <p>19 follow-up questions.</p> <p>20 A. Yes. This is a press release for</p> <p>21 time-spent tools on Facebook and Instagram.</p> <p>22 Q. Dated August 2018?</p> <p>23 A. Correct.</p> <p>24 Q. So this was in place when you began working</p> <p>25 for Instagram in 2019?</p>	<p style="text-align: right;">Page 560</p> <p>1 MS. JONES: Let me just object on</p> <p>2 foundation.</p> <p>3 Go ahead.</p> <p>4 THE WITNESS: They're trying to convey that</p> <p>5 it's a priority for them that the time people spend</p> <p>6 on Instagram be intentional, positive, and</p> <p>7 inspiring. And that these tools provide people</p> <p>8 control over that time. And that they will help</p> <p>9 inform good conversations between parent and teens</p> <p>10 about online habits.</p> <p>11 BY MR. PHELPS:</p> <p>12 Q. Do you think this tool was -- lived up to</p> <p>13 that language?</p> <p>14 A. It does not.</p> <p>15 Q. Okay. Let's read the next paragraph.</p> <p>16 I'll withdraw that.</p> <p>17 Why do you not believe that this tool lives</p> <p>18 up to that language?</p> <p>19 A. A number of reasons. It's not on by</p> <p>20 default. So you have to go into a setting to turn</p> <p>21 it on.</p> <p>22 It doesn't actually give you control over</p> <p>23 the time you spent; you get a reminder about time</p> <p>24 spent. And when I think of control or I think of</p> <p>25 limit, I think something that is a -- a firm</p>

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<p style="text-align: right;">Page 561</p> <p>1 boundary.</p> <p>2 I think that when you look at</p> <p>3 notifications, the options are sort of insufficient,</p> <p>4 and you have to keep going in to say "Mute for</p> <p>5 four hours, mute for four hours, mute for</p> <p>6 four hours." And I don't know how many people did</p> <p>7 that.</p> <p>8 I don't know how many people stopped using</p> <p>9 the app after the reminder, that trigger.</p> <p>10 And I also understand that there were</p> <p>11 issues with the implementation of this that were</p> <p>12 well-known. But as far as I was aware in the time I</p> <p>13 was there, there was nobody working on -- on this</p> <p>14 tool.</p> <p>15 Q. You talked about opt-in features. You</p> <p>16 talked about it not actually kicking people off the</p> <p>17 platform.</p> <p>18 Is another -- do you know if this tool is</p> <p>19 something a user would have to navigate into the</p> <p>20 settings to access?</p> <p>21 MS. JONES: Objection. Foundation.</p> <p>22 THE WITNESS: Yes. That was -- it's</p> <p>23 something that you would have to navigate into</p> <p>24 settings to turn on.</p> <p>25 ///</p>	<p style="text-align: right;">Page 563</p> <p>1 discussed by the well-being leads meetings ongoing</p> <p>2 and then a team kind of dedicated to maintaining</p> <p>3 that, increasing usage, and making sure that the</p> <p>4 product was effective. And none of these things</p> <p>5 were present as far as I was aware for the two years</p> <p>6 I was at Instagram.</p> <p>7 Q. And the fact that there was no metric and</p> <p>8 no folks sort of evaluating the tool on an ongoing</p> <p>9 basis and working to increase adoption, what would</p> <p>10 that -- what effect would that have in your view on</p> <p>11 rendering this tool a success in mitigating</p> <p>12 problematic use?</p> <p>13 MS. JONES: Objection to the form and</p> <p>14 foundation.</p> <p>15 THE WITNESS: I believe it sets up a tool</p> <p>16 for failure other than whatever purpose it served as</p> <p>17 a press release.</p> <p>18 BY MR. PHELPS:</p> <p>19 Q. It sounds like you're saying that launching</p> <p>20 a feature and putting out a press release is really</p> <p>21 just an initial step on the path towards making sure</p> <p>22 people who need help get help; is that fair?</p> <p>23 MS. JONES: Objection to the form.</p> <p>24 THE WITNESS: That is correct. If -- if</p> <p>25 it's a priority to help teens to effectively manage</p>
<p style="text-align: right;">Page 562</p> <p>1 BY MR. PHELPS:</p> <p>2 Q. Okay. And would that also have an impact</p> <p>3 on the adoption rate?</p> <p>4 A. Absolutely.</p> <p>5 Q. Okay. And you joined Instagram, like, a</p> <p>6 little over a year after this feature was announced;</p> <p>7 right?</p> <p>8 A. Correct.</p> <p>9 Q. Do you know what person or team had</p> <p>10 responsibility for this feature at -- when you</p> <p>11 joined Instagram?</p> <p>12 A. I believe the feature had been implemented</p> <p>13 by the engineers who reported to [REDACTED],</p> <p>14 who was one of the engineering managers I worked</p> <p>15 with closely during my time there.</p> <p>16 Q. Do you know if anyone actually had</p> <p>17 responsibility within Instagram for working to</p> <p>18 increase people's awareness of this tool?</p> <p>19 A. I was not aware of anybody working on</p> <p>20 increasing usage of this tool.</p> <p>21 And I would also say that when you look at</p> <p>22 the first sentence, which is how they want people to</p> <p>23 spend time on Facebook and Instagram, if it was a</p> <p>24 prioritized effort, what I would expect to see was a</p> <p>25 metric and a framework and a priority that was</p>	<p style="text-align: right;">Page 564</p> <p>1 their time on Facebook, you have a team dedicated to</p> <p>2 it. There are clear metrics. They're constantly</p> <p>3 improving the product.</p> <p>4 As the product changes, you adapt and you</p> <p>5 learn. It's a commitment to the problem space over</p> <p>6 a long period of time that requires resources,</p> <p>7 attention, and metrics.</p> <p>8 And then you would see the feature change</p> <p>9 over time as they learned ways to make it better in</p> <p>10 the way that you see the Facebook application change</p> <p>11 constantly where they add things and things move</p> <p>12 around. You can see -- you can see them working on</p> <p>13 it as you update the application. And that was not</p> <p>14 the case for a feature like this.</p> <p>15 BY MR. PHELPS:</p> <p>16 Q. You talked about work being done on a -- on</p> <p>17 a feature over a long period of time. That period</p> <p>18 of time would include after the feature was</p> <p>19 launched, not just in building the feature, but on</p> <p>20 an ongoing basis into the future; is that right?</p> <p>21 MS. JONES: Objection to the form.</p> <p>22 THE WITNESS: That's correct. A safety</p> <p>23 feature is a commitment to that harm and that</p> <p>24 feature over the lifetime of the product.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 565</p> <p>1 BY MR. PHELPS:</p> <p>2 Q. So if someone wanted to do a real</p> <p>3 assessment of whether a safety feature was effective</p> <p>4 in addressing whatever issue it's targeted at, they</p> <p>5 couldn't just look at a press release; they would</p> <p>6 need to look at and scrutinize what resources were</p> <p>7 put into that feature in the months and years after</p> <p>8 it was released; is that true?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. You can set this document to the</p> <p>11 side.</p> <p>12 Are you aware of any other features that</p> <p>13 Instagram launched that addressed the issue of</p> <p>14 problematic use or addiction when you were</p> <p>15 consulting for Instagram between 2019 and October of</p> <p>16 2021?</p> <p>17 A. I am not.</p> <p>18 Q. Did you have the understanding during that</p> <p>19 time period whether there was a tension between the</p> <p>20 company's prioritization of growth and engagement on</p> <p>21 one hand and any efforts to mitigate problematic use</p> <p>22 or addiction on the other hand?</p> <p>23 MS. JONES: Objection to the form.</p> <p>24 THE WITNESS: What I witnessed firsthand</p> <p>25 and had conversations with people about was that</p>	<p style="text-align: right;">Page 567</p> <p>1 addiction or body-image issues for girls.</p> <p>2 MR. PHELPS: Let's do Exhibit 56. We'll</p> <p>3 just ...</p> <p>4 (Marked for identification purposes, Bejar</p> <p>5 Exhibit 56.)</p> <p>6 BY MR. PHELPS:</p> <p>7 Q. And I'm not going to ask you substantive</p> <p>8 questions about this. I'm just going to sort of</p> <p>9 orient us to timing. But let me know when you've</p> <p>10 had a chance to look at this document and</p> <p>11 familiarize yourself.</p> <p>12 A. Yeah.</p> <p>13 Q. What's the document in front of you,</p> <p>14 Mr. Bejar?</p> <p>15 A. It's an article by the Wall Street Journal</p> <p>16 about Facebook or Meta's knowledge that Instagram is</p> <p>17 toxic for teen girls.</p> <p>18 Q. Okay. And if you look at the date, that</p> <p>19 was September 14th, 2021; is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. And this article is related to the</p> <p>22 Frances Haugen issue because this is journalism that</p> <p>23 was based on information she had shared with the</p> <p>24 Wall Street Journal; is that true?</p> <p>25 A. That's correct. With the Facebook files.</p>
<p style="text-align: right;">Page 566</p> <p>1 there were no substantive efforts to understand and</p> <p>2 mitigate addiction.</p> <p>3 And so then, like, it's -- there's no --</p> <p>4 there's no competition; right? Because as you look</p> <p>5 at the company develop the product, it's kind of</p> <p>6 like so many people developing features that are</p> <p>7 intended to be used as much as possible. And when</p> <p>8 is that too much; right? What's the backstop?</p> <p>9 What's the balance? How much time is too much time?</p> <p>10 Which is really the question underlying addiction,</p> <p>11 is what is the effect of time spent on teens and how</p> <p>12 much time is too much time?</p> <p>13 BY MR. PHELPS:</p> <p>14 Q. Do I recall you stopped working for</p> <p>15 Instagram in October of 2021?</p> <p>16 A. Yes.</p> <p>17 Q. And was that a notable time for the company</p> <p>18 in terms of some of these well-being issues we've</p> <p>19 been discussing yesterday and today?</p> <p>20 MS. JONES: Objection. Asked and answered.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. PHELPS:</p> <p>23 Q. Why is that?</p> <p>24 A. Frances Haugen's testimony got a lot of</p> <p>25 traction in the press talking about issues like</p>	<p style="text-align: right;">Page 568</p> <p>1 Q. And was it your experience in September and</p> <p>2 October of 2021 that this journalism and the public</p> <p>3 discussion around it increased the pressure within</p> <p>4 the well-being teams to build and launch features</p> <p>5 relating to youth safety?</p> <p>6 MS. JONES: Objection to the form.</p> <p>7 Foundation.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. PHELPS:</p> <p>10 Q. Could you just tell me a little bit about</p> <p>11 that experience?</p> <p>12 A. Yeah. When -- when these articles started</p> <p>13 coming out, the people in the well-being team were</p> <p>14 very upset because, again, people that I had been</p> <p>15 working with directly had worked on this research,</p> <p>16 and they were initially very afraid that it would</p> <p>17 mean that they would lose resources and access to do</p> <p>18 this work.</p> <p>19 And so they were afraid that the</p> <p>20 consequence of Frances speaking publicly about this</p> <p>21 issue would lead to them not being able to continue</p> <p>22 developing these issues.</p> <p>23 That turned into pressure for the company</p> <p>24 to do something about these issues, both to speak</p> <p>25 publicly about the research that came to light and</p>

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<p style="text-align: right;">Page 569</p> <p>1 to work on features that I believe got announced 2 in -- around January of the following year. 3 Q. Do you recall whether Frances was the only 4 person who testified before Congress in the wake of 5 this journalism? 6 A. I recall her testimony, but I don't, at 7 this point, recall other testimony that you might be 8 referring to. 9 Q. Do you know if Adam Mosseri testified 10 before Congress in the wake of this journalism? 11 MS. JONES: Excuse me. 12 Objection. Foundation. 13 THE WITNESS: Yes, he did. 14 BY MR. PHELPS: 15 Q. You recall that? 16 A. Yeah, I do now. 17 Q. Did you watch his testimony? 18 A. I did later. 19 Q. Yeah. 20 Do you have a sense of the timing of that? 21 A. I'm not great with dates and so ... 22 Q. Well, that's okay. 23 Let me hand you what we're going to mark as 24 Exhibit 57. 25 ///</p>	<p style="text-align: right;">Page 571</p> <p>1 the last one we were at, and let's get that up on 2 the screen. 3 BY MR. PHELPS: 4 Q. And let's just -- why don't you just follow 5 along on the screen, Mr. Bejar, and see if you -- we 6 see the three Molly Russell dates. 7 And then do you see this Wall Street 8 Journal article reflected on September 2021? Is 9 that consistent with Exhibit 56? 10 A. Yes. 11 MR. PHELPS: Okay. And then if you want to 12 progress one slide, Jim. 13 BY MR. PHELPS: 14 Q. And then on December 7th, 2021, you see an 15 announcement of "Take a Break." 16 Do you see that? 17 A. Yes. 18 MR. PHELPS: And then if you progress one 19 more slide, Jim. 20 BY MR. PHELPS: 21 Q. The next day, December 8th, Adam Mosseri's 22 testimony; is that right? 23 A. Yes. 24 Q. Okay. Do you think these dates are 25 coincidental?</p>
<p style="text-align: right;">Page 570</p> <p>1 (Marked for identification purposes, Bejar 2 Exhibit 57.) 3 BY MR. PHELPS: 4 Q. Mr. Bejar, does this refresh your 5 recollection about the timing of Mr. Mosseri's 6 congressional testimony? 7 A. Yes, it does. 8 Q. What's the date of this article? 9 A. December 8, 2021. 10 Q. Okay. And do I recall you just testified 11 that Instagram announced product features around 12 this time? 13 A. Yes. 14 Q. Let's hand you what we'll mark as 15 Exhibit 58. 16 (Marked for identification purposes, Bejar 17 Exhibit 58.) 18 BY MR. PHELPS: 19 Q. And what's this article? 20 A. It's a press release by Meta talking about 21 safety features dated December 7th, 2021. 22 Q. Okay. And we're going to go into this 23 document in some detail, but before I do that, let's 24 just go back to the timeline we've been building. 25 MR. PHELPS: So, Jim, you can pick up with</p>	<p style="text-align: right;">Page 572</p> <p>1 MS. JONES: Objection. Foundation. 2 THE WITNESS: I do not think they're 3 coincidental. 4 BY MR. PHELPS: 5 Q. Okay. Let's focus on Exhibit 58. 6 Bear with me for one second. 7 Just lost my place. 8 I don't have a page number, but it's maybe 9 six or seven pages in, starting with "It's important 10 to me." 11 A. And can you show me the page? I'm having 12 trouble. 13 Q. You're looking at the wrong document. 14 A. Oh. Sorry. 15 Q. It's okay. 16 And it might be easier on the screen, 17 but -- 18 A. Yeah. I'll take it from the screen. 19 Q. It starts -- and Adam is the author here. 20 We saw that; right? 21 A. Yes. 22 Q. Okay. And he says (as read): 23 "It's important to me that people 24 feel good about the time they spend on 25 Instagram, so today" -- excuse me -- "so</p>

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<p style="text-align: right;">Page 573</p> <p>1 today we're launching 'Take a Break' to 2 empower people to make informed decisions 3 about how they're spending their time. 4 If someone has been scrolling for a 5 certain amount of time, we'll ask them to 6 take a break from Instagram and suggest 7 that they set reminders to take more 8 breaks in the future. We'll also show 9 them expert-backed tips to help them 10 reflect and reset." 11 Do you see that? 12 A. I do. I see that. 13 Q. It says (as read): 14 "To make sure that teens are aware of 15 this feature, we'll show them 16 notifications suggesting they turn these 17 reminders on. We're encouraged to see 18 that teens are using Take a Break. Early 19 test results show that once teens set the 20 reminders, more than 90 percent of them 21 keep them on." 22 It says "We're launching this feature" in a 23 number of countries including the U.S., roughly. 24 Do you see that? 25 A. Yes, I do.</p>	<p style="text-align: right;">Page 575</p> <p>1 dismissed rapidly, then it just becomes something 2 that you've trained the teenager to click away from. 3 Those teenagers that opted into the feature -- 4 which, again, you would want to know how many that 5 is because when you look at the text that you just 6 shared with me, it's kind of cherry-picking the 7 wrong statistics in order to say, "Well, if people 8 who do turn it on, 90 percent of them keep them on." 9 But that's not the number that matters. 10 The number that matters is how many people adopted 11 it. And the number that matters is how many people, 12 when shown the screens, took a meaningful break. 13 Q. Let me just unpack that. 14 So you're not sure how many people actually 15 were prompted with this encouragement to take a 16 break to begin with from this press release; right? 17 A. That's correct. 18 Q. And you're not sure how many people opted 19 in to this feature from this press release; right? 20 A. That's correct. 21 Q. But you can tell from this press release 22 that this is an opt-in rather than an opt-out 23 feature; right? 24 A. Correct. 25 Q. And that would make you -- your assessment</p>
<p style="text-align: right;">Page 574</p> <p>1 Q. Based on your experience in online safety 2 and well-being, do you have an assessment of this 3 product feature that's described in the paragraphs 4 we just looked at? 5 MS. JONES: Objection. Foundation. 6 THE WITNESS: Yes, I do. 7 BY MR. PHELPS: 8 Q. What is your -- what is that assessment? 9 A. I -- I can't imagine this being effective 10 at helping a teenager quit out the app or put down 11 the phone and effectively take a break. Because 12 what this is, is it's a little snooze. It's a 13 reminder. And you get -- the screen goes up and you 14 say, "Okay, I'm done." 15 And so I would imagine -- and I also 16 believe that there's the data very likely in the 17 company that shows, of the people that you show 18 the -- the notification about turning it on, how 19 many actually did turn it on? 20 And then how -- like, what's the behavior 21 when the Take a Break screen comes up? Because if 22 the goal is to get teenagers to take a break, then 23 you would measure the feature as to how good it is 24 set getting teenagers to take a break. 25 And so if the screen comes up and it gets</p>	<p style="text-align: right;">Page 576</p> <p>1 would therefore be that this is less likely to be 2 effective than if it were an opt-out feature; true? 3 A. Correct. 4 Q. Okay. And you don't know, I presume, based 5 on the timing of this, whether there was an internal 6 team dedicated to making sure this feature was a 7 success after it was launched; right? 8 MS. JONES: Objection. Foundation. 9 THE WITNESS: Correct. A success in terms 10 of doing what the feature says it does, which is 11 taking a break. 12 I think an accurate description of this 13 feature for people who did turn it on, it was a 14 reminder of how much time you had spent since you 15 had last hit the Snooze button. 16 BY MR. PHELPS: 17 Q. A user can just scroll right past the -- 18 the break encouragement that is described in this 19 tool; right? 20 A. Correct. 21 Q. And so do you have a perspective on how 22 valuable that would be for a teen struggling with 23 addiction to Instagram? 24 MS. JONES: Objection. Foundation. 25 THE WITNESS: I would actually imagine</p>

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<p style="text-align: right;">Page 577</p> <p>1 that, A, it wouldn't help that teenager, to answer 2 the question; and, B, that you likely created data 3 about teens that are addicted, because if a teen 4 turned it on and just kept dismissing the "Take a 5 Break" warning as soon as it was shown many times a 6 day, I think that actually would be a pretty good 7 indicator of addiction or problematic usage. 8 BY MR. PHELPS: 9 Q. In other words, Meta had information that 10 it could use to infer whether there was -- there 11 were users -- withdraw that. 12 In other words, Meta had information it 13 could have used to identify teens who were 14 struggling with addiction to Instagram; right? 15 MS. JONES: Objection to the form and -- 16 THE WITNESS: That's correct. 17 MS. JONES: Excuse me. 18 And foundation. 19 BY MR. PHELPS: 20 Q. And it could have taken action, for 21 example, to cut those users off of Instagram at a 22 certain point, daily or in some way; right? 23 MS. JONES: Same objection. 24 THE WITNESS: Absolutely. And if you want 25 to go back to that first sentence that says "It's</p>	<p style="text-align: right;">Page 579</p> <p>1 MR. PHELPS: Let's look at the next 2 exhibit, which is going to be 58 -- what did you 3 say? Fifty-nine. 4 (Marked for identification purposes, Bejar 5 Exhibit 59.) 6 BY MR. PHELPS: 7 Q. What is this document, Mr. Bejar? 8 A. This is the Instagram press release by 9 Adam Mosseri about the parental supervision tools 10 for Instagram as well as for the VR efforts in the 11 company. 12 (Stenographer interrupted for clarification 13 of the record.) 14 MR. PHELPS: Keep us in line, please. 15 BY MR. PHELPS: 16 Q. What's the date of this document, 17 Mr. Bejar? 18 A. March 16, 2022. 19 Q. Is parental supervision something you had 20 advocated for Meta to adopt prior to March of 2022? 21 A. Yes. I had a discussion about it with 22 Mark Zuckerberg in, I believe, 2011. 23 Q. Eleven years before this press release? 24 A. Yes. 25 Q. In your discussion with Mark Zuckerberg in</p>
<p style="text-align: right;">Page 578</p> <p>1 important to me that people feel good about the time 2 they spend on Instagram," by what measure? Do they 3 ask teens about the -- how they feel about the time 4 they're spending? Do they ask questions that would 5 bring to light when teens feel bad about the time 6 they spend on Instagram? 7 BY MR. PHELPS: 8 Q. You don't know that that was ever done; 9 right? 10 A. Not as far as I'm aware. 11 Q. Elsewhere in this press release, there's a 12 reference to parental supervision. 13 Do you see that? 14 A. Yes. 15 Q. Do you think it's a coincidence that 16 Instagram announced plans to launch a parental 17 supervision tool in December of 2021, even though 18 the tool itself wasn't yet ready to be launched? 19 MS. JONES: Objection to the form and 20 foundation. 21 THE WITNESS: It was not. And I think 22 it's, for a company like Meta, extremely rare for 23 them to announce that they were going to be doing a 24 feature later rather than to announce the feature 25 the moment it goes live.</p>	<p style="text-align: right;">Page 580</p> <p>1 2011, did you indicate that building parental 2 supervision feature on -- at that time presumably 3 Facebook would have helped kept -- keep kids safe on 4 the platform? 5 A. Yes, in the context that the company was 6 thinking about having kids under 13 on the platform. 7 And the question is, how do you design 8 parental supervision so that it helps parents and 9 kids to be safe online. 10 Q. Was it your assessment in 2011 as a -- let 11 me withdraw that. 12 Were you managing engineers within Meta in 13 2011? 14 A. Yes. 15 Q. Was it your assessment in 2011 that Meta 16 had the engineering capacity to build a parental 17 supervision tool? 18 MS. JONES: Objection. Foundation. 19 THE WITNESS: Yes. 20 BY MR. PHELPS: 21 Q. Do you know why Meta didn't build parental 22 supervision tools until 11 years later? 23 A. During the time that I was there, building 24 parental tools that helped people between 13 and 15, 25 at least self-declared people between 13 and 15, on</p>

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<p style="text-align: right;">Page 581</p> <p>1 the platform was not a priority.</p> <p>2 Q. As someone who's worked in the area of</p> <p>3 online safety for many years, do you think it would</p> <p>4 have been prudent for Meta to build parental</p> <p>5 supervision tools much, much earlier than 2022?</p> <p>6 MS. JONES: Objection to the form.</p> <p>7 Foundation.</p> <p>8 THE WITNESS: Absolutely. I think that at</p> <p>9 the moment that Instagram had all of these sort of</p> <p>10 features that allowed contact and content and it was</p> <p>11 made available to young people, that that is the</p> <p>12 moment at which they should have started developing</p> <p>13 and continued to develop tools that meaningfully</p> <p>14 supported parents and kids in the partnership of</p> <p>15 being safe online.</p> <p>16 BY MR. PHELPS:</p> <p>17 Q. Based on this press release, is it your</p> <p>18 understanding that the parental tools that the</p> <p>19 company launched in 2022 was an opt-in feature?</p> <p>20 A. Yes.</p> <p>21 Q. Based on this press release, is it your</p> <p>22 understanding that the parental supervision tools</p> <p>23 the company launched in 2022 was something you had</p> <p>24 to navigate into the settings to activate?</p> <p>25 MS. JONES: Objection to the form.</p>	<p style="text-align: right;">Page 583</p> <p>1 long and deep commitment backed by measurement and</p> <p>2 feature improvements to make sure that the tool is</p> <p>3 effective at protecting the harm.</p> <p>4 MR. PHELPS: Let's go to the next document,</p> <p>5 which is going to be Exhibit 60.</p> <p>6 (Marked for identification purposes, Bejar</p> <p>7 Exhibit 60.)</p> <p>8 BY MR. PHELPS:</p> <p>9 Q. Are you familiar with this document,</p> <p>10 Mr. Bejar?</p> <p>11 A. Yes, I am.</p> <p>12 Q. Is this a press release relating to the</p> <p>13 "Quiet Mode" feature?</p> <p>14 A. Yes, it is.</p> <p>15 Q. Can you provide a brief overview of the</p> <p>16 "Quiet Mode" feature?</p> <p>17 A. Yeah. "Quiet Mode" feature is a good</p> <p>18 example of a really good feature in terms of the</p> <p>19 problem that it solves, which is not giving</p> <p>20 notifications to teenagers at night so that they</p> <p>21 feel compelled to be looking at their phone or</p> <p>22 having to disrupt their sleep.</p> <p>23 And so having something like Quiet Mode</p> <p>24 will help, I think, a teenager get more rest. And I</p> <p>25 think it was a well-designed feature from the -- the</p>
<p style="text-align: right;">Page 582</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. PHELPS:</p> <p>3 Q. What impact would those features of</p> <p>4 parental supervision have for adoption and</p> <p>5 effectiveness based on your industry experience?</p> <p>6 MS. JONES: Objection. Foundation. Calls</p> <p>7 for speculation.</p> <p>8 THE WITNESS: It would mean that the</p> <p>9 feature would not be adopted and then as such would</p> <p>10 not be effective as a safety feature.</p> <p>11 BY MR. PHELPS:</p> <p>12 Q. Do you know whether the company had teams</p> <p>13 measuring the effectiveness of these parental</p> <p>14 supervision tools in 2022?</p> <p>15 A. I did not have visibility on that.</p> <p>16 Q. If you were trying to assess the</p> <p>17 effectiveness of this tool, would you want to know</p> <p>18 if there were teams measuring and improving the tool</p> <p>19 within the company?</p> <p>20 A. Absolutely.</p> <p>21 Q. And that -- that's, yet again, the concept</p> <p>22 that a press release and launching a tool is really</p> <p>23 just the first step into ensuring its success?</p> <p>24 MS. JONES: Objection to the form.</p> <p>25 THE WITNESS: Correct. There has to be a</p>	<p style="text-align: right;">Page 584</p> <p>1 way that it was conceived.</p> <p>2 Q. And do you know whether this is another</p> <p>3 opt-in feature?</p> <p>4 A. Yeah. That was the problem. The problem</p> <p>5 was that this was a good feature were it to be</p> <p>6 turned on. But the problem is that it was opt in.</p> <p>7 And my experience is opt in is -- hardly anybody</p> <p>8 uses the feature.</p> <p>9 So then as long as this was opt in, its</p> <p>10 primary lifetime would be in a press release because</p> <p>11 it wouldn't effectively be preventing teenagers from</p> <p>12 getting notifications at night.</p> <p>13 Q. And Instagram had data that would have</p> <p>14 enabled it to tell which kids were spending a lot of</p> <p>15 time on the application late at night; right?</p> <p>16 MS. JONES: Objection. Foundation. And to</p> <p>17 form.</p> <p>18 THE WITNESS: Correct.</p> <p>19 BY MR. PHELPS:</p> <p>20 Q. And if it noticed that kids were struggling</p> <p>21 with that issue consistently, it could have</p> <p>22 defaulted them into this feature or otherwise cut</p> <p>23 off their nighttime Instagram usage; right?</p> <p>24 MS. JONES: Same objection. Form and</p> <p>25 foundation.</p>

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<p style="text-align: right;">Page 585</p> <p>1 THE WITNESS: Correct. If -- if it's a 2 priority to deal with addiction, then you understand 3 the problem, find people that might be affected by 4 it, and then you make sure that you either turn on 5 by default or you do a very hard sell of the 6 features for them in order for them to get an 7 effective protection. It's kind of the life cycle 8 of an effective safety feature. 9 BY MR. PHELPS: 10 Q. And that, what you just described, is not 11 what's reflected that the company did in this press 12 release at least; right? 13 A. Correct. 14 Q. You can set that to the side. 15 MR. PHELPS: I've been going, I think, over 16 an hour. I'm just trying to power through to get 17 him to you quickly. 18 MS. JONES: Okay. 19 MR. PHELPS: But if people need a minute, 20 I'm happy to give it. 21 MS. JONES: I defer to the witness and the 22 court reporter. 23 THE WITNESS: I'm okay. 24 MR. WARD: Yeah, we can keep going. 25 MR. PHELPS: Okay. I just wanted to --</p>	<p style="text-align: right;">Page 587</p> <p>1 So, again, new experiences for teen and 2 parents. They're introducing them to automatically 3 place teens in built-in protections and reassure 4 parents that they're having safe experiences, that 5 they will limit who can contact teens and what 6 content they can see, and they will ensure that 7 their time is well-spent and that teens under 8 16 will need a parent's permission to change any of 9 the built-in protections to be less strict within 10 Teen Accounts. 11 Q. And let me ask you, is that something -- if 12 it was well-designed and executed, is that the type 13 of feature you would embrace as a safety expert? 14 A. Absolutely. 15 Q. We can get into specifics, but let me just 16 ask you before we do that, is it your view that the 17 promise of Teen Accounts that you just described has 18 actually been lived up to by Instagram? 19 MS. JONES: Objection. Foundation and 20 form. 21 THE WITNESS: It is my view that Teen 22 Accounts make these big promises about teen safety 23 to parents and to teens and that the product as 24 implemented does not live up to those promises. 25 ///</p>
<p style="text-align: right;">Page 586</p> <p>1 MS. JONES: Thank you. 2 MR. PHELPS: -- do that while we -- while I 3 transitioned. 4 MS. JONES: Are you still roughly on track 5 timewise? 6 MR. PHELPS: I won't be done in 13 minutes, 7 but I won't be too long. 8 MS. JONES: Okay. 9 MR. PHELPS: Mark Exhibit 61. 10 (Marked for identification purposes, Bejar 11 Exhibit 61.) 12 BY MR. PHELPS: 13 Q. And while we're passing it to you, 14 Mr. Bejar, are you familiar with the Instagram "Teen 15 Accounts" feature that was launched September of 16 last year? 17 A. Yes, I am. 18 Q. "Last year" being 2024? 19 A. Correct. 20 Q. What's your understanding of Teen Accounts, 21 as least as it's supposed to operate in theory? 22 A. So, I mean, I think the -- the way I kind 23 of look at these things is I see the description 24 that Instagram gives in the press release that talks 25 about what the feature does.</p>	<p style="text-align: right;">Page 588</p> <p>1 BY MR. PHELPS: 2 Q. And you've assessed the product through 3 some of the testing that you discussed in depth with 4 Mr. Cartmell? 5 A. Yes, I have. 6 Q. Okay. Let's go to the -- see a page 7 starting with "Reimagining Teens' Experiences on 8 Instagram"? 9 Do you see that? 10 A. I do. 11 Q. Okay. And we can read through it if we 12 need to, but just in the interest of time, let me 13 take a -- make an effort at summarizing it. And you 14 can tell me if I've got it right. 15 Does this paragraph roughly connote that 16 teens are going to be able to select topics that 17 they want to see and explore and that that will be 18 the focus of their experience on Instagram? 19 A. Correct, because people -- parents 20 shouldn't have to worry about their teens having 21 unsafe or inappropriate experiences. 22 Q. Okay. And do you see two images at the 23 bottom of this page? 24 A. I do. 25 Q. Okay. And when you look at the last</p>

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<p style="text-align: right;">Page 589</p> <p>1 sentence of this paragraph, "Teens will get access 2 to a new feature" and when you see this feature 3 illustrated, what do you think this is communicating 4 to parents?</p> <p>5 MS. JONES: Objection. Foundation.</p> <p>6 THE WITNESS: I think this communicates to 7 parents that what their teens are going to get 8 recommended are animals, sports, travel, all of 9 these categories and then some examples of what 10 sports looks like.</p> <p>11 BY MR. PHELPS:</p> <p>12 Q. Okay. And when you tested Teen Accounts, 13 that is not what you found; is that right?</p> <p>14 A. That is correct. A teen account connected 15 to a parent account with default settings for 16 everything, including sensitive content controls, 17 was recommended graphically violent, sexual, and 18 other kinds of content that we've talked about.</p> <p>19 And when I looked at the parent account, it 20 had the same sort of interface that showed the 21 interests here, but it did not give any transparency 22 to the parent about the kind of content that 23 Instagram was recommending that teen test account.</p> <p>24 Q. If you look at the next page, I refer you 25 to the -- I guess the first, the second, and the</p>	<p style="text-align: right;">Page 591</p> <p>1 And for those accounts, those chats are 2 still -- last time I checked, they work for an 3 account where the adult doesn't -- the teen doesn't 4 follow the adult, but the adult does follow the 5 teen.</p> <p>6 Also, when I retested that, I was somewhat 7 disturbed to realize that -- you see how the -- how 8 this says how they can only be messaged by people 9 they follow or they are already connected to? But 10 it doesn't talk about who the teen can message.</p> <p>11 And so I was going through Reels, and I 12 just clicked on a couple of random profiles from 13 Reels recommendation. And there was a "Message" 14 button there. And I was able to click on "Message" 15 and initiate a conversation with a complete stranger 16 that there was no connection.</p> <p>17 And so I found that pretty disturbing in 18 terms of what the expectations that this sets.</p> <p>19 Q. And then the next bullet, "Time limit 20 reminders."</p> <p>21 Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. What does the phrase "time limit" mean to 24 you?</p> <p>25 A. It means that it's a limit, something that</p>
<p style="text-align: right;">Page 590</p> <p>1 fourth bullets, which all sort of go to -- would you 2 agree with me that those three bullets all sort of 3 go to the concept of who teens can interact with on 4 Instagram?</p> <p>5 A. Correct.</p> <p>6 Q. And they -- would you agree with me that 7 these create the impression that there's going to be 8 meaningful limits on teens' interactions with 9 strangers or people they don't want to be 10 interacting with on Instagram?</p> <p>11 MS. JONES: Objection. Form and 12 foundation.</p> <p>13 THE WITNESS: Correct.</p> <p>14 BY MR. PHELPS:</p> <p>15 Q. And did you test that aspect of Teen 16 Accounts?</p> <p>17 A. I did.</p> <p>18 Q. And what was your experience in reality?</p> <p>19 A. So I found in initial testing across 20 multiple accounts that teens could be messaged by 21 people they don't follow and through a story. This 22 was in the videos that I have provided. That seems 23 to have been fixed now, which I'm really happy 24 that's the case. But I was very disturbed to find 25 that when I first found it.</p>	<p style="text-align: right;">Page 592</p> <p>1 stops you from using the application further.</p> <p>2 Q. And is that, as you understand it, a 3 feature of Teen Accounts in reality?</p> <p>4 A. It is not. For the teenager and the 5 settings that they have access to, it is a reminder 6 of the amount of time used. There is no way for a 7 teenager to set an actual limit for themselves.</p> <p>8 That has to be done by the parent account.</p> <p>9 Q. Going back to the front of this document, 10 do you see the date?</p> <p>11 A. September 17, 2024.</p> <p>12 Q. Was that a significant time period for the 13 company in terms of issues relating to kids online 14 safety?</p> <p>15 MS. JONES: Objection. Foundation. Form.</p> <p>16 THE WITNESS: Yes, it was.</p> <p>17 BY MR. PHELPS:</p> <p>18 Q. Why?</p> <p>19 A. The Kids Online Safety Act that had passed 20 the Senate with deep bipartisan support was heading 21 to the floor of the House either that day or, like, 22 the next day. I think it was actually on Tuesday.</p> <p>23 If this is a Tuesday, that was the day that that was 24 heading to the floor.</p> <p>25 MR. PHELPS: Let's introduce the next</p>

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<p style="text-align: right;">Page 593</p> <p>1 exhibit. It's going to be 62. 2 (Marked for identification purposes, Bejar 3 Exhibit 62.) 4 BY MR. PHELPS: 5 Q. So what's the headline of -- what is this 6 document, Mr. Bejar? 7 A. It's a news article from September 18th, 8 2024, that talks about how the House Committee 9 advanced the Kids Online Safety Act despite 10 last-minute changes that left lawmakers discontent. 11 Q. Okay. And you understand that the -- well, 12 let me -- let me just ask you, do you see a date of 13 that article? 14 A. Yes. September 18, 2024. 15 MR. PHELPS: And, Jim, let's just go back 16 to the demonstrative. 17 And so if you advance that one, Jim. 18 BY MR. PHELPS: 19 Q. So September -- there's maybe a typo there. 20 I think it's -- I think the date of this article is 21 September 18th rather than 14th. 22 Do you see that? 23 A. I see the typo. 24 Q. Roughly; right? 25 A. It's the 18th.</p>	<p style="text-align: right;">Page 595</p> <p>1 MS. JONES: Objection to the form and 2 foundation. 3 THE WITNESS: Yes. 4 BY MR. PHELPS: 5 Q. Okay. Do you know whether or not 6 Ms. [REDACTED] is scheduled to appear before the 7 United -- a committee of the United States Senate 8 tomorrow? 9 MS. JONES: Objection. Foundation. 10 THE WITNESS: I did not know that. 11 MR. PHELPS: Hand you an article. 12 Sixty-three. 13 (Marked for identification purposes, Bejar 14 Exhibit 63.) 15 BY MR. PHELPS: 16 Q. What's the headline of this article? 17 A. (As read): 18 "'Careless People' author to testify 19 during a Senate hearing about Facebook." 20 Q. Okay. And this was written on April 4th. 21 Do you see that? 22 A. I do. 23 Q. And it says in the first sentence -- first 24 two sentences, we see Ms. [REDACTED] will 25 testify -- the author is writing on April 4th that</p>
<p style="text-align: right;">Page 594</p> <p>1 MR. PHELPS: And then if you advance that 2 one more, Jim. 3 BY MR. PHELPS: 4 Q. And is this consistent with that? This 5 article, this press release by Meta was effectively 6 concurrent with the House taking action on the 7 Kids Online Safety Act? 8 A. Yes. 9 Q. Do you think that's a coincidence? 10 MS. JONES: Let me just object on 11 foundation. 12 THE WITNESS: I don't think it's a 13 coincidence. 14 BY MR. PHELPS: 15 Q. Are you familiar with the -- well, you can 16 put this document to the side. 17 MR. PHELPS: You can leave -- and let's 18 leave that up, Jim. 19 BY MR. PHELPS: 20 Q. Are you familiar with the book 21 Careless People by [REDACTED], Mr. Bejar? 22 A. Yes, I am. 23 Q. Is that a recent bestseller that has 24 explosive allegations regarding the author's time at 25 the company?</p>	<p style="text-align: right;">Page 596</p> <p>1 she'll be testifying next week. 2 Do you see that? 3 MS. JONES: Let me just lodge an objection 4 to the use of this document with Mr. Bejar on 5 foundation grounds. 6 (Stenographer interrupted for clarification 7 of the record.) 8 BY MR. PHELPS: 9 Q. Is that right? 10 A. Yes. 11 Q. And so Wednesday would be tomorrow, 12 April -- or April 9th; is that right? 13 A. Yes. 14 Q. Okay. Do you know if this morning, the day 15 before that testimony is scheduled to occur, Meta 16 announced updates to the "Teen Accounts" feature 17 that we've been discussing? 18 A. Yes, I am aware of that. 19 Q. Why are you laughing? 20 A. I mean ... 21 MS. JONES: Let me just object to the 22 question as inviting a narrative. 23 THE WITNESS: I mean, it's such a -- such a 24 game. If safety was a priority, you announce these 25 things. You have ongoing transparency. You have</p>

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<p style="text-align: right;">Page 597</p> <p>1 commitment. You invite people from the outside of</p> <p>2 the company deep into these teams to review these</p> <p>3 features and give feedback on them.</p> <p>4 There's so many things that you can do that</p> <p>5 show a profound actual commitment to reducing the</p> <p>6 harm that teenagers experience.</p> <p>7 But my experience of this is that -- that</p> <p>8 these releases of a lot of these tools, they're as</p> <p>9 good as the paper that they're printed on, because</p> <p>10 when you test the tools -- and have many examples of</p> <p>11 this -- the tools do not live up to the promises</p> <p>12 that they are making to parents about what they do.</p> <p>13 And the timing of them seems to be optimized to deal</p> <p>14 with PR fallout of hearings, news articles,</p> <p>15 testimony, and judgments which should not be the</p> <p>16 driver of this work. The driver of this work are to</p> <p>17 be the safety of teenagers on Instagram.</p> <p>18 BY MR. PHELPS:</p> <p>19 Q. Let me just hand you this press release</p> <p>20 from -- let me just hand you one more document.</p> <p>21 We'll mark it as Exhibit 64.</p> <p>22 (Marked for identification purposes, Bejar</p> <p>23 Exhibit 64.)</p> <p>24 BY MR. PHELPS:</p> <p>25 Q. And does this appear to be a press release</p>	<p style="text-align: right;">Page 599</p> <p>1 A. Yes.</p> <p>2 Q. Set that to the side.</p> <p>3 MR. PHELPS: And you can take that down,</p> <p>4 Jim.</p> <p>5 BY MR. PHELPS:</p> <p>6 Q. You think that's a coincidence?</p> <p>7 A. I do not think that is a coincidence. And</p> <p>8 I -- I wish that that was a committee dedicated to</p> <p>9 regularly hold hearings in order to drive advances</p> <p>10 on safety.</p> <p>11 Q. A couple of final questions for you.</p> <p>12 Hopefully we can move through these at some speed.</p> <p>13 We're going to switch off of this topic</p> <p>14 of -- of safety features. You can put those</p> <p>15 documents to the side.</p> <p>16 Without asking you to divulge names, have</p> <p>17 any former Meta employees asked you for</p> <p>18 recommendations regarding independent legal counsel</p> <p>19 in connection with this action?</p> <p>20 A. Yes.</p> <p>21 Q. Aside from discussions about legal counsel,</p> <p>22 have you discussed this litigation with any former</p> <p>23 Meta employees?</p> <p>24 A. I have not.</p> <p>25 Q. To be clear, you haven't discussed the</p>
<p style="text-align: right;">Page 598</p> <p>1 the company put out this morning?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. I take it you haven't had the chance</p> <p>4 to test it yet?</p> <p>5 A. Not -- not yet.</p> <p>6 Q. Okay. You can set that to the side.</p> <p>7 MR. PHELPS: Jim, let's just go back to our</p> <p>8 timeline.</p> <p>9 BY MR. PHELPS:</p> <p>10 Q. And so we see "Teen Accounts in 2024."</p> <p>11 MR. PHELPS: Let's just advance it one more</p> <p>12 time, Jim.</p> <p>13 BY MR. PHELPS:</p> <p>14 Q. "Teen Account Updates."</p> <p>15 Do you see that, Mr. Bejar?</p> <p>16 Does that reflect this press release,</p> <p>17 Exhibit 64, that there's a Teen Accounts update</p> <p>18 today?</p> <p>19 A. Yes.</p> <p>20 MR. PHELPS: And one more, Jim.</p> <p>21 BY MR. PHELPS:</p> <p>22 Q. And do you see -- does that accurately</p> <p>23 reflect the article I showed you indicating that</p> <p>24 Ms. [REDACTED] is scheduled to testify before a</p> <p>25 Senate committee tomorrow?</p>	<p style="text-align: right;">Page 600</p> <p>1 merits of this litigation with [REDACTED]</p> <p>2 A. I have not.</p> <p>3 Q. [REDACTED] ?</p> <p>4 A. I have not.</p> <p>5 Q. Vaishnavi Jayakumar?</p> <p>6 A. I have not.</p> <p>7 Q. [REDACTED]</p> <p>8 A. I have not.</p> <p>9 Q. [REDACTED] [sic]?</p> <p>10 A. I have not.</p> <p>11 Q. [REDACTED] ?</p> <p>12 A. I have not.</p> <p>13 Q. [REDACTED] ?</p> <p>14 A. I have not.</p> <p>15 Q. [REDACTED] ?</p> <p>16 A. I have not.</p> <p>17 Q. [REDACTED] ?</p> <p>18 A. I have not.</p> <p>19 Q. [REDACTED] ?</p> <p>20 A. I have not.</p> <p>21 Q. [REDACTED] ?</p> <p>22 A. I have not.</p> <p>23 Q. [REDACTED] ?</p> <p>24 A. I have not.</p> <p>25 Q. Aza Raskin?</p>

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<p style="text-align: right;">Page 601</p> <p>1 A. I have not.</p> <p>2 Q. Brian Boland?</p> <p>3 A. I have not.</p> <p>4 Q. [REDACTED]?</p> <p>5 A. I have not.</p> <p>6 Q. Lotte Rubaek?</p> <p>7 A. I have not.</p> <p>8 Q. Sarah [REDACTED]</p> <p>9 A. I have not.</p> <p>10 Q. Frances Haugen?</p> <p>11 A. I have not.</p> <p>12 Q. Do you even know who all of those people</p> <p>13 are?</p> <p>14 A. There were a lot of names in that list that</p> <p>15 I'm not familiar with.</p> <p>16 Q. Okay. In any event, would you ever take it</p> <p>17 upon yourself to try to influence the testimony of</p> <p>18 others in this case?</p> <p>19 A. Absolutely not.</p> <p>20 Q. Separate topic. And sorry to bounce around</p> <p>21 a little bit.</p> <p>22 Are you familiar with Meta's integrity</p> <p>23 classifiers that moderate or downrank or remove</p> <p>24 content?</p> <p>25 A. I'm very familiar.</p>	<p style="text-align: right;">Page 603</p> <p>1 terms of whether it's borderline or safe or unsafe,</p> <p>2 or is it agnostic on that?</p> <p>3 MS. JONES: Objection to the form.</p> <p>4 Foundation.</p> <p>5 THE WITNESS: The content that does</p> <p>6 delivery is able to look at the labels that the --</p> <p>7 that the integrity systems attach to the content and</p> <p>8 can make decisions based on those labels.</p> <p>9 BY MR. PHELPS:</p> <p>10 Q. But the -- but the integrity classifier is</p> <p>11 a separate tool than the ranking algorithm that</p> <p>12 actually determines what's ordered in the feed; is</p> <p>13 that right?</p> <p>14 MS. JONES: Same objection. Form and</p> <p>15 foundation.</p> <p>16 THE WITNESS: That is correct.</p> <p>17 BY MR. PHELPS:</p> <p>18 Q. Okay. And does the ranking algorithm have</p> <p>19 a viewpoint on whether content or -- is good or bad</p> <p>20 in terms of Meta's policies or user safety?</p> <p>21 MS. JONES: Objection to the form.</p> <p>22 Foundation.</p> <p>23 THE WITNESS: I do not believe that there's</p> <p>24 such a thing as a neutral ranking algorithm.</p> <p>25 Ranking algorithms use a certain set of criteria,</p>
<p style="text-align: right;">Page 602</p> <p>1 Q. Are you also familiar with Meta's algorithm</p> <p>2 that reviews behavioral data to order content in a</p> <p>3 user's feed?</p> <p>4 A. I'm somewhat familiar.</p> <p>5 Q. Are the integrity classifiers that downrank</p> <p>6 or remove content different than the ranking</p> <p>7 algorithm that orders content in a user's feed?</p> <p>8 MS. JONES: Objection to the form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 MS. JONES: Excuse me.</p> <p>11 Foundation.</p> <p>12 BY MR. PHELPS:</p> <p>13 Q. Can you explain to me how those are</p> <p>14 different?</p> <p>15 A. Yeah. The -- the infrastructure that</p> <p>16 evaluates content for harm, which was built under my</p> <p>17 initial stint at Facebook, looks at a piece of</p> <p>18 content and then based on a number of features is</p> <p>19 able to label it. And then if it meets certain</p> <p>20 criteria, it can prevent that content from being</p> <p>21 distributed within the network. And that stack and</p> <p>22 that decision-making is separate from the one that</p> <p>23 does ranking for delivery.</p> <p>24 Q. Is the ranking for delivery really even</p> <p>25 assessing or aware of the content's properties in</p>	<p style="text-align: right;">Page 604</p> <p>1 like, they pick. Like, this is a hand that goes</p> <p>2 into the box, and of a billion videos, I'm going to</p> <p>3 give you this stream of them.</p> <p>4 And so that algorithm, inevitably, has sort</p> <p>5 of a viewpoint and biases.</p> <p>6 BY MR. PHELPS:</p> <p>7 Q. But the viewpoint in terms of what gets</p> <p>8 presented to users, it's not the same process as the</p> <p>9 integrity classifier process; is that true?</p> <p>10 MS. JONES: Objection to the form.</p> <p>11 THE WITNESS: That's correct. The</p> <p>12 integrity classifier process is its own</p> <p>13 infrastructure, its own set of choices.</p> <p>14 Imagine to some extent, like, you -- when</p> <p>15 you put something in the mail, the first step is</p> <p>16 integrity classifiers. And it looks at the object.</p> <p>17 And if it's bad enough, it's out. But most of the</p> <p>18 time, it says, "Oh, this X percentage likelihood</p> <p>19 that this is something like this."</p> <p>20 And it passes it on to the next part of the</p> <p>21 system which is the one that picks it up and</p> <p>22 determines whether it gets delivered to somebody or</p> <p>23 not.</p> <p>24 BY MR. PHELPS:</p> <p>25 Q. Switching topics again.</p>

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<p style="text-align: right;">Page 605</p> <p>1 MR. PHELPS: We don't need to watch the 2 full thing; but, Jim, could you pull up for me 3 Exhibit 34? 4 This is the video with the red heart, 5 yellow heart, blue heart. I just want to reorient 6 on that for one second. 7 MS. JONES: Let me object as asked and 8 answered, then, if this was the same video we 9 watched. 10 (Whereupon, video/audio played.) 11 BY MR. PHELPS: 12 Q. And if -- you've seen that clip before? 13 A. Yes, I have. 14 Q. What is that clip -- does that clip show a 15 very young woman participating in a trend asking to 16 be ranked by the Instagram community in terms of her 17 appearance? 18 MS. JONES: Objection. Foundation. Form. 19 THE WITNESS: Yes. 20 BY MR. PHELPS: 21 Q. And if we continue to log in the video, do 22 I recall correctly that we would see that there is 23 actually an audio clip that Instagram made available 24 that users could embed in a video so that they could 25 participate in this trend?</p>	<p style="text-align: right;">Page 607</p> <p>1 MS. JONES: Objection. Foundation. 2 THE WITNESS: That is correct. And that is 3 a call I received from Mark more than once during my 4 first stint at Facebook where we were reviewing all 5 of the content that Facebook was serving at the 6 time. 7 BY MR. PHELPS: 8 Q. Meaning you received calls when he was 9 personally concerned about something, telling you to 10 take action on it? 11 A. Yes. And, like, for example, content. 12 So early on there was -- a lot of people 13 were -- started posting content around açai berry 14 kind of health products. And we got the call from 15 Mark being like, "Yeah, we don't want any of that 16 stuff on the site." 17 And then we adjusted the integrity 18 algorithms in order to remove what was spam. 19 Q. Did you ever get a call from 20 Mark Zuckerberg telling you to take down this trend 21 that enables folks to rank each other on Instagram? 22 A. I'm not aware of any initiatives by Mark or 23 Adam Mosseri to remove this content from Instagram 24 or have it not be promoted. 25 Q. Give you one more exhibit. This is going</p>
<p style="text-align: right;">Page 606</p> <p>1 MS. JONES: Objection. Characterization. 2 THE WITNESS: Correct. 3 BY MR. PHELPS: 4 Q. Okay. And do I recall your testimony that 5 that can be a really harmful experience? 6 MS. JONES: Excuse me. 7 Objection. Foundation. 8 THE WITNESS: Correct. 9 BY MR. PHELPS: 10 Q. Meta had the technological capacity to keep 11 videos where girls are asking people to rate their 12 looks off of Instagram; right? 13 MS. JONES: Objection. Foundation. 14 THE WITNESS: Absolutely. 15 BY MR. PHELPS: 16 Q. And it nevertheless permitted this trend 17 encouraging people to rate young girls in terms of 18 their looks? 19 MS. JONES: Objection. Characterization. 20 THE WITNESS: Yes. 21 BY MR. PHELPS: 22 Q. If Mark Zuckerberg was personally concerned 23 about that issue, he could have made sure that type 24 of ranking and comparison was not available on 25 Instagram; right?</p>	<p style="text-align: right;">Page 608</p> <p>1 to be Exhibit 65. 2 (Marked for identification purposes, Bejar 3 Exhibit 65.) 4 BY MR. PHELPS: 5 Q. Have you seen this article before? 6 A. Yes, I have. 7 Q. What is this article? 8 A. It's the -- it's an article about the -- 9 it's "Hot or Not?" website that Mark Zuckerberg, I 10 believe, developed when he was younger. 11 Q. The videos we just looked at were from 12 roughly 2023, 2024; right? 13 A. That's correct. 14 Q. And so the context of this article is it's 15 from 2003, roughly 20 years earlier? 16 MS. JONES: Let me just object on 17 foundation to questioning on this document. 18 Go ahead. 19 THE WITNESS: Correct. 20 BY MR. PHELPS: 21 Q. Okay. Let's just look at it. It says -- 22 the first paragraph, it says (as read): 23 "Harvard students often compete in 24 the classroom, but for at least a few 25 hours this weekend only one thing helped</p>

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<p style="text-align: right;">Page 609</p> <p>1 them make the grade. Their looks." 2 Do you see that? 3 A. I do. 4 Q. The next sentence describes a website 5 created by Mark Zuckerberg that gave students a 6 chance to rate their peers using ID photos taken 7 from online house Facebooks. 8 Do you see that? 9 A. Yes. 10 Q. He asks, according to this article 11 (as read): 12 "Were we let in for our looks? No. 13 Will we be judged on them? Yes." 14 Do you see that? 15 A. I do. 16 Q. The next paragraph, it says (as read): 17 "Zuckerberg, a computer science 18 concentrator, said he created the site - 19 facemash.com - by hacking into the house 20 online Facebooks and compiling ID photos, 21 allowing viewers to vote for the 'hotter' 22 of two randomly chosen photos or rate 23 their looks of students in a particular 24 house against fellow residents." 25 Do you see that?</p>	<p style="text-align: right;">Page 611</p> <p>1 attractive." 2 Do you see that? 3 A. I do. 4 Q. Are those the comments of someone who can 5 be trusted to make decisions about teen safety and 6 whether young women should be subject to ranking 7 based on their appearance online? 8 MS. JONES: Objection to the form and 9 foundation. And characterization. 10 (Stenographer interrupted for clarification 11 of the record.) 12 THE WITNESS: I -- I don't believe that you 13 can hold to account somebody this young that made a 14 choice to do this. 15 What I believe is when you become aware of 16 an issue or a harm, did you learn from it, and does 17 your actions later in your life reflect that? 18 BY MR. PHELPS: 19 Q. And that's where I was going, that it might 20 be one thing to make an immature comment at a young 21 age, but 20 years later when we see an app promoting 22 a tool that encourages folks to be ranked based on 23 their appearance, young girls, in particular, is 24 that someone that can be trusted to keep kids safe 25 online?</p>
<p style="text-align: right;">Page 610</p> <p>1 A. Yes. 2 Q. If you go to the page where the first 3 language is "95 minutes later." 4 A. I'm sorry, can you show me the text on the 5 screen? I have a hard time searching for text in -- 6 Q. Yeah. 7 A. -- the printed document. 8 Q. There's a section that starts with "Let the 9 hacking begin." 10 MR. PHELPS: The page prior, Jim. 11 BY MR. PHELPS: 12 Q. And this is describing a -- it says 13 (as read): 14 "He chronicled the process in a 15 journal published on the site itself." 16 Do you see that? 17 A. Yes. 18 Q. And then I'm referring you to the next 19 page. It says (as read): 20 "The Kirkland Facebook is open on my 21 computer desktop, and some of these 22 people have pretty horrendous Facebook 23 pics. I almost want to put some of these 24 faces next to pictures of farm animals 25 and have people vote on which is more</p>	<p style="text-align: right;">Page 612</p> <p>1 MS. JONES: Let me object to the 2 inappropriate speech by counsel. And asked and 3 answered. And my earlier objections equally apply 4 to this reiteration of the question. 5 THE WITNESS: What I believe -- okay? 6 What I believe is that every action on this 7 domain that I'm aware that Instagram and Facebook 8 has taken since approximately 2015 or 2016 when 9 there started to be papers talking about impact of 10 bullying and depression, addiction, and all of these 11 issues, when kids started dying, for which there's 12 timelines of kids dying or ending up in hospital 13 where there's reasonable cause that these products 14 are involved, I believe that the choices that 15 Mark Zuckerberg and Instagram has made every step of 16 the way demonstrate to us with each step that we 17 cannot trust them with the safety of our children, 18 that they would rather make lofty claims about 19 safety than building a product that is humbly and 20 accurately expressed as to the safety that it 21 provides, and a commitment to turning that product 22 into what they're claiming it is before it gets 23 announced. 24 And so it's not for this that I don't trust 25 him. It's that this morning we get another reminder</p>

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<p style="text-align: right;">Page 613</p> <p>1 of another promise of features that don't provide 2 the protections that they say they do. 3 And so my experience as a consultant and my 4 experience since I've left is that they have yet to 5 show that we can trust them with our kids, and that 6 each seven days kids experience incredible harm, at 7 incredible rates. And until that is addressed, 8 Instagram is not a safe place, it's not a supportive 9 place, for teenagers. 10 MS. JONES: Let me just -- excuse me. 11 Let me just object and move to strike the 12 lengthy nonresponsive, narrative answer. 13 Go ahead. 14 MR. PHELPS: Thank you for your time. I 15 may have questions for you after Ms. Jones questions 16 you, but that's all I have for right now. 17 THE WITNESS: Thank you. 18 THE VIDEOGRAPHER: The time is 3:48. We're 19 off the record. 20 (Recess taken from 3:48 to 4:10.) 21 THE VIDEOGRAPHER: The time is 4:10. We're 22 back on the record. 23 EXAMINATION BY MS. JONES 24 BY MS. JONES: 25 Q. Good afternoon, Mr. Bejar.</p>	<p style="text-align: right;">Page 615</p> <p>1 A. Yes. 2 Q. And is it generally accurate to say that 3 your experience during that time period was 4 positive? 5 A. Yes. 6 Q. You had the resources that you felt that 7 your team needed; right? 8 A. Okay. Yes. 9 Q. And in your experience, resources were 10 provided promptly when a need was identified at the 11 company; is that right? 12 A. Yes. 13 Q. And when you didn't have the head count 14 that you needed for issues that might have been 15 confronting your team, you were able to get the 16 resources that you needed; right? 17 A. That's not quite right. 18 Q. Okay. What's wrong about it? 19 A. You could get head count, but also there 20 was a challenge in filling the head count, so 21 getting people to go from boot camp to the team. 22 And so those were the resources that were needed, 23 were engineers in the seat. 24 Q. Okay. That's a good point that I want to 25 make sure that we clarify for the jury.</p>
<p style="text-align: right;">Page 614</p> <p>1 A. Good afternoon. 2 Q. We met yesterday. I'm Phyllis Jones. I am 3 one of the lawyers for Meta Platforms in these 4 cases. It's nice to get a chance to speak to you 5 more directly, and we appreciate the time. 6 You've, obviously, testified at this point 7 for almost two days, and I'm mindful of time. 8 I'm going to ask -- I'm going to try very 9 hard to ask you "yes" or "no" questions. And if you 10 are able to give me a "yes" or "no" answer, I'd very 11 much appreciate it. If think you can't, just tell 12 me, and I'll try to ask a better question; is that 13 okay? 14 A. That's okay. 15 Q. Okay. I want to actually start by 16 talking -- I want to take us back in time and talk a 17 little bit about your time at what was then known as 18 Facebook and just to make sure that to the jury has 19 a clear sense of the basis for your views that 20 you've expressed over the last couple of days and 21 what you know versus what you might not know based 22 on your experience at the company; okay? 23 A. Okay. 24 Q. Okay. So you were first at Facebook from 25 2009 to 2015; is that right?</p>	<p style="text-align: right;">Page 616</p> <p>1 The way that the head count allocation 2 process worked at the company is you get awarded a 3 certain number of what are known as "heads"; right? 4 A. Yes. 5 Q. And then there is actually the process of 6 being able to fill those heads; right? 7 A. Yes. 8 Q. And there can be challenges with filling 9 those head-count spots because you're trying to 10 recruit people who are highly educated with 11 specialized engineering expertise; right? 12 A. Yes. 13 Q. And so my question was really -- and I 14 appreciate you giving us a chance to clarify that -- 15 when you made -- when you had a need for head count 16 to be allocated to integrity issues that might have 17 been confronting your team, you were able to get the 18 head count allocated, even if there might have been 19 a challenge with getting the people hired 20 ultimately; is that fair? 21 MR. CARTMELL: Object to the form. 22 THE WITNESS: Could you repeat the 23 question? Sorry. 24 BY MS. JONES: 25 Q. Sure.</p>

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<p style="text-align: right;">Page 617</p> <p>1 It sounds like in the head-count allocation 2 process, when you were just -- you got the seats 3 available, you did not have issues getting the 4 resources you needed, right, from 2009 to 2015? 5 A. Again, not quite right because of the 6 resources. 7 Q. So -- but the challenge that you would have 8 would actually be having to hire the people to fill 9 the seats; is that right? 10 A. Not sounds right. 11 Q. Okay. What's wrong about what I just said? 12 A. The challenge was getting the people who 13 were in boot camp, who had already been hired to the 14 company, to choose to come to the integrity and care 15 teams. 16 Q. Got it. 17 So the issue that you would have was not 18 that leadership said you can't have head count 19 allocated to your team; right? 20 A. Yes. 21 Q. The issue that you would have is that you 22 would have to actually get the people who had been 23 hired and gone through some kind of boot camp 24 orientation process to decide "We want to work with 25 the integrity team"; is that right?</p>	<p style="text-align: right;">Page 619</p> <p>1 During this period from 2009 to 2015 when 2 you've testified that you had an impeccable 3 experience with executives at the company, you 4 didn't have questions or concerns about the motives 5 or the principles or the integrity of 6 Mr. Zuckerberg, Ms. Sandberg, or Mr. Cox; correct? 7 MR. CARTMELL: Same objection. 8 THE WITNESS: That's not quite right. 9 BY MS. JONES: 10 Q. Okay. Tell me which part is not right. 11 A. So whenever I interacted with them with 12 resources for the team, those were positive 13 interactions. 14 There had been some areas where the company 15 had made choices that were deeply upsetting for 16 users, which I covered in my interview with 17 Mr. Schroeffer and other areas. And I think I was a 18 little, sort of, kind of, watchful that those things 19 would happen, though they did not happen during my 20 first six years there. 21 Q. Okay. So, again, let me just make sure I 22 understand and that the jury understands what you 23 just said. 24 It sounds like there had been issues that 25 had happened at the company before you got there in</p>
<p style="text-align: right;">Page 618</p> <p>1 A. Yes. 2 Q. Okay. And according to your testimony over 3 the course of the last day or so, you had regular 4 interactions with folks like Mark Zuckerberg and 5 Chris Cox and Sheryl Sandberg during this period 6 from 2009 to 2015; is that right? 7 A. Yes. 8 Q. And I believe in earlier testimony that you 9 have provided under oath, you have described your 10 experience with some of those Facebook executives as 11 "impeccable"; isn't that right? 12 A. Yes. 13 Q. And that was a true statement when you gave 14 it; right? 15 A. Yes. 16 Q. And I want to focus for the moment on this 17 period from 2009 until 2015. You did not have 18 questions or concerns about the integrity or the 19 motives or the principles of Mr. Zuckerberg or 20 Ms. Sandberg or Mr. Cox; correct? 21 MR. CARTMELL: Object to the form. 22 THE WITNESS: Could you repeat the 23 question, please? 24 BY MS. JONES: 25 Q. Sure.</p>	<p style="text-align: right;">Page 620</p> <p>1 2009; is that right? 2 A. Correct. 3 Q. But from 2009 to 2015 when you were 4 actually at the company interacting with some of the 5 senior executives at the company, you had a good 6 regard for people like Mark Zuckerberg and 7 Sheryl Sandberg and Chris Cox; is that right? 8 A. Yes. 9 Q. And during that period you did not have 10 concerns about their motives; is that right? 11 A. They're not comfortable because I don't -- 12 I don't really like to talk about people's motives 13 in any context. 14 Q. Okay. And so I want to pause on that for a 15 moment because I've -- if I've understood your 16 testimony correctly over the course of the last 17 couple of days, you have, in fact, offered some 18 views on what you believe are the motives of people 19 like Mark Zuckerberg. 20 Did I hear that correctly? 21 MR. CARTMELL: Object to the form. 22 THE WITNESS: I believe not. I believe 23 that I comment on their actions. 24 BY MS. JONES: 25 Q. Okay. And so you're not offering views or</p>

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<p style="text-align: right;">Page 621</p> <p>1 opinions today or yesterday or tomorrow when we're 2 together during your deposition on Mr. Zuckerberg's 3 motives, are you? 4 A. That doesn't -- let me think about that for 5 a moment. 6 So can -- is it okay if I play the question 7 back to you? 8 Q. I actually -- in the interest of time, I'm 9 going to ask if you could just focus on the question 10 that I asked, which was, you are not offering 11 opinions about the motives of Mark Zuckerberg, are 12 you? 13 A. No, I don't think so. 14 Q. If, in fact, again, you have testified 15 under oath that folks like Mr. Zuckerberg and 16 Chris Cox and your former boss Mr. Schroepfer 17 supported integrity and care work that you were 18 doing; right? 19 A. Yes. 20 Q. And I believe you've also testified 21 previously that during your entire time at the 22 company from 2009 until 2015, you really could not 23 have better things to say about Mr. Zuckerberg, 24 Mr. Schroepfer, and Mr. Cox; right? 25 MR. CARTMELL: Object to the form and</p>	<p style="text-align: right;">Page 623</p> <p>1 A. Yes. 2 Q. And deeply involved with a lot of things 3 that were going on at the company; right? 4 A. Yes. 5 Q. And it sounds like, at least periodically, 6 directly engaged with senior executives at the 7 company; right? 8 A. Yes. 9 Q. Okay. And then you left the company in 10 2015; right? 11 A. Yes. 12 Q. And you left with positive feelings with 13 the company in 2015; yes? 14 A. Yes. 15 Q. You didn't leave in 2015 because you were 16 unhappy about anything at the company; right? 17 A. Yes. 18 Q. You left because you had some family issues 19 that you were navigating your way through and you 20 wanted to spend more time with your kids; is that 21 right? 22 A. Yes. 23 Q. Right. 24 And just the demands of the job were making 25 it difficult to do both the things you wanted to do</p>
<p style="text-align: right;">Page 622</p> <p>1 foundation. 2 THE WITNESS: Can you repeat the question, 3 please? 4 BY MS. JONES: 5 Q. Sure. 6 You have testified previously under oath 7 that during your entire time at the company, from 8 2009 until 2015, you really could not have better 9 things to say about Mr. Zuckerberg, Mr. Schroepfer, 10 and Mr. Cox; is that right? 11 MR. CARTMELL: Same objection. 12 THE WITNESS: Yes. 13 BY MS. JONES: 14 Q. And that was -- just to be clear, when you 15 said that before, that was truthful testimony; 16 right? 17 A. Yes. 18 Q. Now, you left the company -- and during 19 that period from 2009 to 2015, you were working full 20 time for the company; correct? 21 A. Yes. 22 Q. Working five days a week, maybe six or 23 seven days a week; right? 24 A. Yes. 25 Q. Long days; yes?</p>	<p style="text-align: right;">Page 624</p> <p>1 for your kids and also do the work that you needed 2 to do in your role at the company; yes? 3 A. Yes. 4 Q. Other than kind of the day-to-day 5 challenges or issues that you and your team might 6 have been responsible for navigating while you were 7 at Facebook from 2009 to 2015, during the four 8 year -- that period that you were there, you didn't 9 raise any concerns about the company's commitment to 10 child safety; right? 11 A. Right. 12 Q. And, in fact, you said highly positive 13 things about the company; right? 14 MR. CARTMELL: Object to the form. 15 THE WITNESS: No, that's not quite right. 16 BY MS. JONES: 17 Q. Okay. Well, let me ask -- let me ask you a 18 slightly different question. 19 Do you recall that between -- after you 20 left the company in 2015, from then until 2019, you 21 actually spoke about your positive views of Meta 22 publicly? 23 Do you recall that? 24 A. Yes. 25 Q. Including on social media; yes?</p>

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<p style="text-align: right;">Page 625</p> <p>1 A. Yes.</p> <p>2 Q. Because you use Facebook; right?</p> <p>3 A. Yes.</p> <p>4 Q. And you use Instagram. Sitting here today,</p> <p>5 you are a user of Instagram; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And how long have you been on the platform?</p> <p>8 A. I opened my Facebook account the day before</p> <p>9 my interview with Mark Zuckerberg. So --</p> <p>10 Q. What year would that have been?</p> <p>11 A. It would have been 2009.</p> <p>12 Q. Okay. And when did you first open your</p> <p>13 Instagram account?</p> <p>14 A. I don't recall.</p> <p>15 Q. Do you have a rough estimation of how long</p> <p>16 you've had an Instagram account?</p> <p>17 A. I do not.</p> <p>18 Q. Is it more or less than ten years?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. Did you have an Instagram account</p> <p>21 when you went back to the company in 2019 as a</p> <p>22 consultant?</p> <p>23 A. Yes.</p> <p>24 Q. What about when you left the company in</p> <p>25 2015? Did you have an Instagram account then?</p>	<p style="text-align: right;">Page 627</p> <p>1 for young people; yes?</p> <p>2 A. Yes.</p> <p>3 Q. And you have made a number of claims,</p> <p>4 including in the last two days, about</p> <p>5 Mark Zuckerberg, the CEO of the company; right?</p> <p>6 A. Yes.</p> <p>7 Q. Including that he cannot be trusted with</p> <p>8 our children; right?</p> <p>9 I think that's how you concluded your</p> <p>10 testimony just now; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And notwithstanding, in spite of that</p> <p>13 testimony, you have been a user of the company's</p> <p>14 products since 2009; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And at no point have you ever terminated</p> <p>17 the use of either of those platforms since you've</p> <p>18 signed up; right?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember saying publicly on your</p> <p>21 Facebook page that one of the things that you</p> <p>22 remembered about being at Facebook after you left in</p> <p>23 2015 was that everyone involved has good intentions?</p> <p>24 A. Yes.</p> <p>25 Q. And was that a true statement when you</p>
<p style="text-align: right;">Page 626</p> <p>1 A. I think so.</p> <p>2 Q. And has it been the case that since 2009</p> <p>3 you have been a user continuously on Facebook and</p> <p>4 then eventually on Instagram?</p> <p>5 A. Yes.</p> <p>6 Q. Has there ever been any occasion when you</p> <p>7 terminated your account on either of those</p> <p>8 platforms?</p> <p>9 A. No.</p> <p>10 Q. And that is notwithstanding the fact that</p> <p>11 you have testified before Congress and for the last</p> <p>12 couple of days that Instagram and Facebook are</p> <p>13 somehow harmful to young people; right?</p> <p>14 MR. CARTMELL: Object to the form.</p> <p>15 THE WITNESS: I don't -- that's not quite</p> <p>16 right.</p> <p>17 BY MS. JONES:</p> <p>18 Q. Well, my question is, during the -- this</p> <p>19 period of time where you've testified -- let me back</p> <p>20 up.</p> <p>21 You testified before Congress in 2023; is</p> <p>22 that right?</p> <p>23 A. Yes.</p> <p>24 Q. And you made a number of claims about what</p> <p>25 you believe are the harms of the company's platforms</p>	<p style="text-align: right;">Page 628</p> <p>1 wrote it?</p> <p>2 A. Yes.</p> <p>3 MS. JONES: Can I see that tab number?</p> <p>4 I think it's Tab No. 66, which might also</p> <p>5 be our next exhibit.</p> <p>6 (Discussion off the stenographic record.)</p> <p>7 (Marked for identification purposes,</p> <p>8 Exhibit 66.)</p> <p>9 MS. JONES: I'm going to hand Mr. Bejar</p> <p>10 what we've marked as Deposition No. 66, which we're</p> <p>11 also going to put up on the screen there.</p> <p>12 BY MS. JONES:</p> <p>13 Q. And, Mr. Bejar, I -- we have marked for you</p> <p>14 what has been identified as Exhibit No. 66 to your</p> <p>15 deposition.</p> <p>16 Do you recognize Exhibit No. 66?</p> <p>17 A. I do.</p> <p>18 Q. And this is, in fact, at the top of the</p> <p>19 page a Facebook post by you dated February 5th,</p> <p>20 2018.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And immediately below that, there is a post</p> <p>24 from Mr. Zuckerberg.</p> <p>25 Do you see that?</p>

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<p style="text-align: right;">Page 629</p> <p>1 A. Yes.</p> <p>2 Q. And what he is writing about on February</p> <p>3 the 4th of 2018 is the fact that February the 4th is</p> <p>4 Facebook's 14th birthday.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And then I'm not going to read the entirety</p> <p>8 of what he posted, but he basically kind of</p> <p>9 describes in a -- a somewhat wistful way the</p> <p>10 development of the company from something that he</p> <p>11 started in college to what is now a very significant</p> <p>12 organization; correct?</p> <p>13 Please take a moment to look at it.</p> <p>14 A. Yeah. I want to --</p> <p>15 Q. Sure. Of course.</p> <p>16 Mr. Bejar, before I ask you my next</p> <p>17 question, I'm going to ask you what you just wrote</p> <p>18 down.</p> <p>19 A. Oh, I just wanted to talk about sort of the</p> <p>20 difference in language between motivations and</p> <p>21 intentions.</p> <p>22 Q. Okay. And we can do this on a break, but I</p> <p>23 just want to make sure we have a chance to look at</p> <p>24 that.</p> <p>25 So Mr. Zuckerberg, you saw -- got a chance</p>	<p style="text-align: right;">Page 631</p> <p>1 everyone is about learning from them,</p> <p>2 especially when those mistakes took away</p> <p>3 from the intention of serving community."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And then there's a discussion in that</p> <p>7 middle paragraph where you're offering some views on</p> <p>8 the way forward in terms of the role that technology</p> <p>9 plays in our lives; right?</p> <p>10 A. M-hm.</p> <p>11 Q. You have to say "yes" or "no."</p> <p>12 A. Sorry. Let me just read that paragraph.</p> <p>13 Q. Yeah, sure.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And then at the conclusion of your</p> <p>16 post, you say (as read):</p> <p>17 "Thank you, Mark and everyone there,</p> <p>18 for what you bring into the world. As</p> <p>19 everything, it is a work in progress that</p> <p>20 does and can do so much more good for</p> <p>21 people in the world."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And when you convey that view that</p> <p>25 everything is a work in progress, was that of a</p>
<p style="text-align: right;">Page 630</p> <p>1 to review Exhibit No. 66 where he describes the fact</p> <p>2 that February the 4th was Facebook's birthday;</p> <p>3 right?</p> <p>4 A. Yeah.</p> <p>5 Q. And then you respond to Mr. Zuckerberg;</p> <p>6 right?</p> <p>7 A. Yes.</p> <p>8 Q. And so just to make sure we're tracking the</p> <p>9 timeline correctly, this would have been maybe,</p> <p>10 roughly three years, close to three years after you</p> <p>11 had left the company in 2015; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And you start -- you're responding directly</p> <p>14 to Mr. Zuckerberg; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And so this reflects that, at least at this</p> <p>17 point in time, you seem to have had a good regard</p> <p>18 for Mr. Zuckerberg; is that right?</p> <p>19 A. Yes, we used to be friends on Facebook.</p> <p>20 Q. Okay. And you write at the very beginning</p> <p>21 of the post (as read):</p> <p>22 "My experience of being at Facebook</p> <p>23 was how human it is, everyone involved</p> <p>24 has good intentions, makes choices, makes</p> <p>25 mistakes, and I lived [sic] how open</p>	<p style="text-align: right;">Page 632</p> <p>1 sincere view held by you after spending six years at</p> <p>2 the company?</p> <p>3 A. Yes.</p> <p>4 Q. And is that -- would that be a true</p> <p>5 statement to make about just about any social media</p> <p>6 or technology company that exists today?</p> <p>7 MR. CARTMELL: Object to the form.</p> <p>8 THE WITNESS: Can you repeat the question?</p> <p>9 BY MS. JONES:</p> <p>10 Q. Sure.</p> <p>11 The statement that everything is a work in</p> <p>12 progress, would that be a fair statement to make</p> <p>13 about just about every social media company that</p> <p>14 exists today?</p> <p>15 MR. CARTMELL: Same objection.</p> <p>16 THE WITNESS: I guess.</p> <p>17 BY MS. JONES:</p> <p>18 Q. Okay. And some of the problems that you</p> <p>19 have specifically talked about or described with</p> <p>20 respect to your views on Instagram or Facebook, some</p> <p>21 of those problems exist equally on other social</p> <p>22 media platforms; isn't that true?</p> <p>23 MR. CARTMELL: Object to the form and</p> <p>24 foundation.</p> <p>25 THE WITNESS: No.</p>

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<p style="text-align: right;">Page 633</p> <p>1 BY MS. JONES:</p> <p>2 Q. You don't know that to be the case?</p> <p>3 A. The -- well, can I explain, or should I say</p> <p>4 "yes" or "no"?</p> <p>5 Q. You can explain.</p> <p>6 A. Okay.</p> <p>7 Q. Go ahead. Yeah.</p> <p>8 A. I just want to be mindful --</p> <p>9 Q. No, I --</p> <p>10 A. -- of your goals here.</p> <p>11 Q. -- I appreciate your attending to my</p> <p>12 request.</p> <p>13 A. Okay. So one of the things that I learned</p> <p>14 in consulting with different companies and looking</p> <p>15 at different products is that these things play out</p> <p>16 differently in each platform. So each platform has</p> <p>17 affordances that fundamentally change how harm can</p> <p>18 play out in them.</p> <p>19 Q. Okay. And when -- you mentioned consulting</p> <p>20 with different companies.</p> <p>21 What specific other social media companies</p> <p>22 have you consulted with?</p> <p>23 A. So Airbnb.</p> <p>24 Q. Let me just pause you.</p> <p>25 Is Airbnb a social media company?</p>	<p style="text-align: right;">Page 635</p> <p>1 something that you talked about; right?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know whether any other social media</p> <p>4 platform has solved the problem of bullying on their</p> <p>5 platforms?</p> <p>6 Let me ask the question a different way.</p> <p>7 A. Yeah.</p> <p>8 Q. Are you aware of any other social media</p> <p>9 platform that has been able to completely,</p> <p>10 successfully eliminate bullying from their services?</p> <p>11 A. No.</p> <p>12 Q. Are you aware of any social media platform</p> <p>13 that has been able to completely, successfully</p> <p>14 eliminate unwanted sexual advances on their</p> <p>15 services?</p> <p>16 A. Are you saying completely eliminate?</p> <p>17 Q. Completely and successfully, yes.</p> <p>18 A. I think you can make a good case about</p> <p>19 Roblox.</p> <p>20 Q. Okay. Anybody else?</p> <p>21 A. Not that I can think of right now.</p> <p>22 Q. And what is your basis for believing that</p> <p>23 Roblox has completely and successfully eliminated</p> <p>24 unwanted sexual advances from the platform? How</p> <p>25 have you evaluated that?</p>
<p style="text-align: right;">Page 634</p> <p>1 A. I think of it that way.</p> <p>2 Q. Okay. What else? Who else?</p> <p>3 A. And I had a -- conversations with people</p> <p>4 that were working with TikTok on all of these</p> <p>5 issues. An organization called -- (inaudible)</p> <p>6 (Stenographer interrupted for clarification</p> <p>7 of the record.)</p> <p>8 THE WITNESS: Oh, yeah. So I was working</p> <p>9 with people that were consulting with TikTok around</p> <p>10 these issues as well.</p> <p>11 BY MS. JONES:</p> <p>12 Q. Okay. You've consulted with Airbnb.</p> <p>13 Have you ever been -- formally been engaged</p> <p>14 as a consultant for TikTok?</p> <p>15 A. I have not.</p> <p>16 Q. Okay. So in terms of other social media</p> <p>17 companies that you've been formally engaged with,</p> <p>18 other than Meta, is the only one Airbnb?</p> <p>19 A. I'm just thinking --</p> <p>20 Q. Sure.</p> <p>21 A. -- about work experience.</p> <p>22 Yes.</p> <p>23 Q. Do you have an understanding, sitting here</p> <p>24 today, of -- if you just take the example of the</p> <p>25 issue of bullying on social media, which is</p>	<p style="text-align: right;">Page 636</p> <p>1 A. The -- the product design relies on</p> <p>2 pre-canned, mediated messages between users. And so</p> <p>3 in that context of the youngest users, it would be</p> <p>4 very difficult to express an unwanted sexual</p> <p>5 advance, I believe.</p> <p>6 Q. Have you actually gone through the exercise</p> <p>7 of evaluating whether there are -- there is as an</p> <p>8 absence of unwanted sexual advances on Roblox?</p> <p>9 A. I had a number of conversations with both</p> <p>10 the CEO of Roblox as well as the head of the safety</p> <p>11 team, and we discussed some of these issues, but I</p> <p>12 have not done a methodical assessment of Roblox the</p> <p>13 same way.</p> <p>14 Q. Okay. So let me make sure I have an answer</p> <p>15 to my question.</p> <p>16 Have you actually gone through the exercise</p> <p>17 of evaluating whether there is an absence of</p> <p>18 unwanted sexual advances on Roblox?</p> <p>19 MR. CARTMELL: Objection. Asked and</p> <p>20 answered.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MS. JONES:</p> <p>23 Q. We've talked about bullying. We've talked</p> <p>24 about unwanted sexual advances.</p> <p>25 You've talked about the issue of suicide --</p>

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<p style="text-align: right;">Page 637</p> <p>1 suicide encouraging and self-injury content on 2 social media; correct? 3 A. Yes. 4 Q. Are you aware of any social media company 5 that has completely and successfully eliminated the 6 presence of suicide or self-injury-related content 7 on its services? 8 A. Sorry. I keep -- I keep having a reaction 9 to the phrasing of the question. But, no. 10 Q. What about body image or eating 11 disorder-related content? Are you -- content. Are 12 you aware of any social media company that has 13 completely and successfully eliminated the presence 14 of either eating disorder or body-image 15 disorder-related content from its services? 16 A. No. 17 Q. Are you aware of any social media company 18 that has managed to successfully and completely 19 address the problem of children who are under 13 20 lying about their age and signing up for accounts on 21 their services? 22 MR. CARTMELL: Object to the foundation. 23 THE WITNESS: No. 24 BY MS. JONES: 25 Q. And so the issues that you've been</p>	<p style="text-align: right;">Page 639</p> <p>1 company that has successfully and completely 2 addressed those issues; right? 3 MR. CARTMELL: Same objections. 4 THE WITNESS: No. 5 BY MS. JONES: 6 Q. And can you agree with me that those are 7 complex issues to take on when you're talking about 8 billions of users across the world using your 9 platforms? 10 A. Yes. 11 Q. And, in fact, when you were at the company 12 from 2009 until 2015, some of those issues existed; 13 right? 14 A. Yes. 15 Q. And while you were at the company working 16 full time, working very hard, from 2009 to 2015, you 17 did not solve all those problems at the company; 18 right? 19 A. Correct. 20 Q. And that was despite the best efforts of 21 yourself and your team and many other people at the 22 company; right? 23 A. Correct. 24 Q. Okay. When you testified in front of 25 Congress in 2023, you didn't mention to the senators</p>
<p style="text-align: right;">Page 638</p> <p>1 describing and talking to counsel about for the last 2 couple of days, you couldn't identify for me any 3 social media company that has successfully and 4 completely eliminated those issues from their 5 services; right? 6 MR. CARTMELL: Lacks foundation. 7 THE WITNESS: Sorry. I didn't hear what 8 Tom said. 9 MR. CARTMELL: Lacks foundation. 10 MS. JONES: He's -- 11 THE WITNESS: Okay. 12 MS. JONES: It's not important. Don't 13 worry about it. No, I'm kidding. I'm kidding. 14 THE WITNESS: Like you, too. 15 MS. JONES: No, no, no. No, no. It's 16 important that he make his objection. 17 Let me ask my question again. 18 BY MS. JONES: 19 Q. So the issues that you've been describing 20 in the last almost two days, bullying and 21 harassment, unwanted sexual advances, suicide and 22 self-injury content, eating disorder content, the 23 problem of kids under 13 lying about their age and 24 creating accounts, you could not identify for me 25 but, more importantly, for the jury any social media</p>	<p style="text-align: right;">Page 640</p> <p>1 the fact that you had had an impeccable experience 2 with the executives at the company from 2009 to 3 2015, did you? 4 A. I don't recall doing that, but I would need 5 to look at the testimony in detail to make sure that 6 that's accurate. 7 Q. Fair enough. 8 But sitting here today, you don't recall 9 saying that; right? 10 A. I don't recall saying that. 11 Q. And when you testified before Congress in 12 2023, you did not share with the senators what 13 you've now shared with the jury, that there is, in 14 fact, no social media company that you're aware of 15 that has successfully managed completely all of 16 these issues that you've been talking about for the 17 last almost two days; right? 18 MR. CARTMELL: Same -- 19 BY MS. JONES: 20 Q. You did not tell the members of the Senate 21 that. 22 MR. CARTMELL: I'm sorry, Ms. Jones. 23 MS. JONES: That's okay. 24 MR. CARTMELL: Same objection. 25 MS. JONES: Okay.</p>

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<p style="text-align: right;">Page 641</p> <p>1 BY MS. JONES:</p> <p>2 Q. I can ask the question again if that helps.</p> <p>3 A. Thank you again. Yeah.</p> <p>4 Q. Okay. Sure.</p> <p>5 A. I appreciate it.</p> <p>6 Q. When you testified before Congress in 2023,</p> <p>7 you did not share with the senators there, which</p> <p>8 you've now shared with the jury, that, in fact, some</p> <p>9 of these very issues that you've talked about at</p> <p>10 length are problems that affect every social media</p> <p>11 company that exists; right?</p> <p>12 MR. CARTMELL: Objection. Form and</p> <p>13 foundation.</p> <p>14 THE WITNESS: No, it's not quite --</p> <p>15 BY MS. JONES:</p> <p>16 Q. My question is just, did you tell that to</p> <p>17 the folks who were on the committee hearing your</p> <p>18 testimony before the Senate?</p> <p>19 MR. CARTMELL: Same objection. Form and</p> <p>20 foundation.</p> <p>21 And I do think counsel needs to let the</p> <p>22 witness answer. I mean, you've instructed him that</p> <p>23 he needs to answer "yes" or "no," but if he needs to</p> <p>24 answer the question in full, he's allowed to do</p> <p>25 that.</p>	<p style="text-align: right;">Page 643</p> <p>1 A. Probably. Again, I just want to say that</p> <p>2 when it comes to dates, I really kind of look at --</p> <p>3 as the exchanges as sort of the ground truth because</p> <p>4 I -- I have a -- for me to put things in time, it</p> <p>5 really helps me to have the exchanges.</p> <p>6 Q. Okay. Understood.</p> <p>7 We are in the process of getting that</p> <p>8 printed. So we'll come -- we'll come back to that.</p> <p>9 But it sounded like you do recall that as</p> <p>10 late as January of 2019, you were grateful for your</p> <p>11 time at the company; right?</p> <p>12 A. Yes.</p> <p>13 Q. And between 2015 and 2019, you largely</p> <p>14 pursued other interests, other areas of recreation</p> <p>15 and engagement; is that fair?</p> <p>16 A. No, I don't think that's accurate.</p> <p>17 Q. Okay. Let me ask you a slightly different</p> <p>18 question.</p> <p>19 You were not employed at Meta between 2015</p> <p>20 and 2019; is that right?</p> <p>21 A. That's correct.</p> <p>22 Q. And so that means you would not have been</p> <p>23 involved in any of the discussions at the company</p> <p>24 around decisions that might have been made with</p> <p>25 respect to issues that had to be addressed during</p>
<p style="text-align: right;">Page 642</p> <p>1 BY MS. JONES:</p> <p>2 Q. Can you answer my -- can you answer my</p> <p>3 question "yes" or "no"? When you testified before</p> <p>4 the Senate, did you share with the members of the</p> <p>5 committee what you've shared with the jury today,</p> <p>6 that, in fact, the problems that you have described</p> <p>7 are problems that affect every social media company</p> <p>8 that exists?</p> <p>9 MR. CARTMELL: Same objections.</p> <p>10 THE WITNESS: I don't recall whether I said</p> <p>11 that sentence or not the way that you just phrased</p> <p>12 it.</p> <p>13 BY MS. JONES:</p> <p>14 Q. Okay. And then as late as January of 2019,</p> <p>15 you were grateful for your time at Facebook; right?</p> <p>16 A. Yes.</p> <p>17 Q. And you, in fact, conveyed that to</p> <p>18 Mr. Zuckerberg in 2019.</p> <p>19 Do you remember that?</p> <p>20 A. Is this -- is it this post, or is it</p> <p>21 something else?</p> <p>22 Q. It's something else.</p> <p>23 Do you remember -- I'm just asking you for</p> <p>24 the moment, do you remember being in touch with</p> <p>25 Mr. Zuckerberg in 2019?</p>	<p style="text-align: right;">Page 644</p> <p>1 that period between 2015 and 2019; right?</p> <p>2 A. Right.</p> <p>3 Q. And you would not have any insight into</p> <p>4 why, for example, Mr. Zuckerberg might have made a</p> <p>5 decision one way or the other in that particular</p> <p>6 period of time; right?</p> <p>7 A. Right.</p> <p>8 Q. And same with respect to Ms. Sandberg and</p> <p>9 Mr. Cox and people like Guy Rosen, you were not at</p> <p>10 the company or in a position to know why people were</p> <p>11 making certain decisions; right?</p> <p>12 A. Right.</p> <p>13 Q. During that period from 2015 to 2019, did</p> <p>14 you formally consult with Meta at all?</p> <p>15 A. No.</p> <p>16 Q. The issues that you have talked about with</p> <p>17 counsel for the last almost two days really relate</p> <p>18 to this period when you were there from 2019 to 2021</p> <p>19 as a consultant; is that right?</p> <p>20 MR. CARTMELL: Object to the form.</p> <p>21 Characterization.</p> <p>22 BY MS. JONES:</p> <p>23 Q. And I -- the question probably was not as</p> <p>24 precisely worded as it should have been.</p> <p>25 To the extent that you've raised concerns</p>

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<p style="text-align: right;">Page 645</p> <p>1 about things that happened while you were somehow 2 affiliated with the company either as an employee or 3 as a consultant, what you've had to say has really 4 been focused on this time period between 2019 and 5 2021; is that fair?</p> <p>6 MR. CARTMELL: Object to the form and 7 characterization.</p> <p>8 THE WITNESS: No, that's not quite right.</p> <p>9 BY MS. JONES:</p> <p>10 Q. Well, you have already testified that your 11 experience with the company from 2009 to 2015 was a 12 positive one; right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And you came back to the company 15 because you believed in the company's mission; yes?</p> <p>16 A. That -- that's not quite right.</p> <p>17 Q. Okay. Well, we'll talk about the specifics 18 around when you -- why you came back.</p> <p>19 But just so the jury understands, from 2019 20 to 2021, you were at the company in a much, much 21 more limited role than you had been from 2009 to 22 2015; is that right?</p> <p>23 MR. CARTMELL: Object to the form.</p> <p>24 THE WITNESS: Sorry. I got a little 25 distracted.</p>	<p style="text-align: right;">Page 647</p> <p>1 BY MS. JONES:</p> <p>2 Q. And to take one obvious example, you were 3 not a full-time employee; right?</p> <p>4 A. Yes.</p> <p>5 Q. And you actually weren't even technically 6 an employee of Facebook; right?</p> <p>7 A. Yes.</p> <p>8 Q. You were technically an employee of a 9 company called PRO Unlimited; right?</p> <p>10 A. Yes.</p> <p>11 Q. And when you were hired back in 2019, your 12 title at the company was not what I think counsel 13 referred to a number of times as safety consultant 14 or safety expert; right? That was not the formal 15 title that you had; right?</p> <p>16 MR. CARTMELL: Object to the form. And 17 move to strike this reference to statement of 18 counsel.</p> <p>19 THE WITNESS: Yeah. I mean, the way I kind 20 of thought about it was specified in the offer 21 letter that I got, but I don't recall how I showed 22 up in Workplace.</p> <p>23 BY MS. JONES:</p> <p>24 Q. From -- when you were actually hired back, 25 you were hired as what's known as a contingent</p>
<p style="text-align: right;">Page 646</p> <p>1 BY MS. JONES:</p> <p>2 Q. I understand.</p> <p>3 Let me ask the question again.</p> <p>4 A. Thank you.</p> <p>5 Q. Just so the jury understands, from 2019 to 6 2021, you were at the company in a much, much more 7 limited role than you had been when you were there 8 before; right?</p> <p>9 MR. CARTMELL: Object to the form.</p> <p>10 THE WITNESS: There's a lot of "much" there 11 and in a --</p> <p>12 BY MS. JONES:</p> <p>13 Q. Let me ask -- let me -- let me pull up a 14 "much" out of the question, and see if we can come 15 to ground on an answer.</p> <p>16 A. Thank you.</p> <p>17 Q. So the jury is clear, from 2019 to 2021, 18 you were at the company in a much more limited 19 role --</p> <p>20 MR. CARTMELL: Same --</p> <p>21 BY MS. JONES:</p> <p>22 Q. -- relative to your earlier time; yes?</p> <p>23 MR. CARTMELL: Same objection.</p> <p>24 THE WITNESS: Yes.</p> <p>25 ///</p>	<p style="text-align: right;">Page 648</p> <p>1 employee; right?</p> <p>2 A. I think so. Again --</p> <p>3 Q. We can show you a document. That's fine.</p> <p>4 And prior to the -- your time coming back 5 to the company in 2019, you had not worked on child 6 safety issues with respect to Instagram; right?</p> <p>7 A. Right.</p> <p>8 Q. I'm going to hand you what we've marked as 9 Exhibit No. 67.</p> <p>10 (Discussion off the stenographic record.) 11 (Marked for identification purposes, 12 Exhibit 67.)</p> <p>13 BY MS. JONES:</p> <p>14 Q. Mr. Bejar, you have what we've marked as 15 Deposition Exhibit No. 67 in front of you.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And you recognize your face there?</p> <p>19 A. I do.</p> <p>20 Q. And you also recognize your title that's 21 featured on this screenshot of what I believe is a 22 Messenger chat.</p> <p>23 Do you see that?</p> <p>24 A. Yeah.</p> <p>25 Q. And just to go back to my earlier question,</p>

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<p style="text-align: right;">Page 649</p> <p>1 your title at the company when you came back in 2019</p> <p>2 was "contingent worker"; right?</p> <p>3 A. That was the title that was showing on</p> <p>4 Workplace for me.</p> <p>5 Q. And just so the jury understands,</p> <p>6 contingent worker means you were a temporary</p> <p>7 employee; yes?</p> <p>8 A. Yes.</p> <p>9 Q. Not a full-time employee; yes?</p> <p>10 A. Yes.</p> <p>11 Q. And I'm not sure if this was fully clear</p> <p>12 during your earlier testimony, but the company did</p> <p>13 not ask you to come back, right, in 2019?</p> <p>14 A. Sorry. What do you -- what do you mean by</p> <p>15 that?</p> <p>16 Q. In terms of what prompted your return to</p> <p>17 the company as a contingent worker, that was because</p> <p>18 you reached out to someone at the company initially;</p> <p>19 right?</p> <p>20 A. No.</p> <p>21 Q. What happened specifically? Who made the</p> <p>22 first outreach?</p> <p>23 A. [REDACTED].</p> <p>24 Q. And what did [REDACTED] say to you?</p> <p>25 A. Something along the lines of "We need you</p>	<p style="text-align: right;">Page 651</p> <p>1 BY MS. JONES:</p> <p>2 Q. "Yes" or "no"?</p> <p>3 MR. CARTMELL: Same objection.</p> <p>4 THE WITNESS: Are you asking about it</p> <p>5 during 2019?</p> <p>6 BY MS. JONES:</p> <p>7 Q. Yes. To 2021.</p> <p>8 A. Well, through 2021 it varied significantly</p> <p>9 depending on what the company needed.</p> <p>10 Q. Okay. Well, we'll get to that.</p> <p>11 But your contract that established your</p> <p>12 return as a consultant had you working roughly</p> <p>13 three hours a week; yes?</p> <p>14 MR. CARTMELL: Objection to the form.</p> <p>15 THE WITNESS: That's what the contract</p> <p>16 said.</p> <p>17 BY MS. JONES:</p> <p>18 Q. Okay.</p> <p>19 A. That was not how it played out.</p> <p>20 Q. Well, you've testified under oath that your</p> <p>21 time actually working likely averaged out to around</p> <p>22 one day a week; right?</p> <p>23 A. I believe so, yes.</p> <p>24 Q. And so that's not anywhere close to being</p> <p>25 full time; right?</p>
<p style="text-align: right;">Page 650</p> <p>1 to come back."</p> <p>2 Q. And what was the reason that he said he --</p> <p>3 they needed you to come back?</p> <p>4 A. Because he felt that they needed some of</p> <p>5 the framework and work that we had done has part of</p> <p>6 the protect and care group.</p> <p>7 [REDACTED] was the head of research for</p> <p>8 Instagram and had been the head of research for</p> <p>9 protect and care.</p> <p>10 Q. When you came back to the company in 2019</p> <p>11 as a contingent worker, you were being paid by</p> <p>12 the -- by the hour; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. And you were not actually working that many</p> <p>15 hours, were you?</p> <p>16 MR. CARTMELL: Object to the form.</p> <p>17 THE WITNESS: Sorry. That's a somewhat</p> <p>18 imprecise question.</p> <p>19 BY MS. JONES:</p> <p>20 Q. Well, that's fair. But I'm going to ask</p> <p>21 you to take a crack at answering it.</p> <p>22 You were not actually working that many</p> <p>23 hours when you came back to the company in 2019?</p> <p>24 MR. CARTMELL: Same objection.</p> <p>25 ///</p>	<p style="text-align: right;">Page 652</p> <p>1 A. That's right. It is more than three hours.</p> <p>2 Q. Well, that's fair enough.</p> <p>3 But on average, if you're working a day a</p> <p>4 week, some weeks you might be working a few hours;</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. And then some weeks you might be working</p> <p>8 more; right?</p> <p>9 A. Yes.</p> <p>10 Q. But at the end of the day, you were</p> <p>11 working, on average, about a day a week; right?</p> <p>12 A. Yeah.</p> <p>13 Q. And do you recall actually telling someone</p> <p>14 that by October of 2020, you were pretty much</p> <p>15 averaging three hours a week?</p> <p>16 MR. CARTMELL: Object to the form.</p> <p>17 THE WITNESS: I don't recall.</p> <p>18 (Stenographer interrupted for clarification</p> <p>19 of the record.)</p> <p>20 BY MS. JONES:</p> <p>21 Q. I'm having a little bit of a hard time</p> <p>22 hearing you, so as someone who's been yelled at all</p> <p>23 day for not being loud enough, I'm going to -- she</p> <p>24 wasn't yelling at me -- I'm going to suggest you</p> <p>25 might want to speak up a little bit.</p>

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<p style="text-align: right;">Page 653</p> <p>1 A. Okay. I'll project.</p> <p>2 Q. Please, please. With thanks.</p> <p>3 (Discussion off the stenographic record.)</p> <p>4 (Marked for identification purposes,</p> <p>5 Exhibit 68.)</p> <p>6 BY MS. JONES:</p> <p>7 Q. Mr. Bejar, you have in front of you what we</p> <p>8 have marked as Deposition Exhibit No. 68.</p> <p>9 You see that?</p> <p>10 A. Yes.</p> <p>11 Q. And then down at the bottom part of</p> <p>12 Deposition Exhibit No. 68, I want to focus your</p> <p>13 attention on an e-mail from you to Mr. [REDACTED]</p> <p>14 dated October 2nd, 2020.</p> <p>15 You see that?</p> <p>16 A. Yes.</p> <p>17 Q. And then there's a subject line of</p> <p>18 "Question on time spent."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And you wrote to Mr. -- you're welcome to</p> <p>22 read as much of this as you'd like.</p> <p>23 A. Thank you.</p> <p>24 Q. But I'm going to ask you just to focus on</p> <p>25 this first paragraph of this e-mail that you wrote</p>	<p style="text-align: right;">Page 655</p> <p>1 Q. And then you talk about the two specific</p> <p>2 reasons that you might be doing more than your</p> <p>3 average three hours a week; right?</p> <p>4 A. Yes.</p> <p>5 Q. And what you said there in your e-mail to</p> <p>6 Mr. [REDACTED] in October of 2020, that was a truthful</p> <p>7 representation of how much time you'd been putting</p> <p>8 in as a contingent worker with the company in 2019</p> <p>9 up to this point; right?</p> <p>10 A. Yes.</p> <p>11 Q. And so, again, not anything close to a</p> <p>12 full-time schedule; right?</p> <p>13 A. Yes.</p> <p>14 Q. And for sure during the periods when you</p> <p>15 were not focused on work that you were doing for the</p> <p>16 company, there were lots of people working at the</p> <p>17 company full time, five days a week; right?</p> <p>18 A. Yes.</p> <p>19 Q. And focused on a lot of the issues you've</p> <p>20 talked about; right?</p> <p>21 A. Yes.</p> <p>22 Q. And I assume you would acknowledge that</p> <p>23 there are probably things that were happening during</p> <p>24 the rest of the workweek that you may not have been</p> <p>25 fully synched up with because you were doing other</p>
<p style="text-align: right;">Page 654</p> <p>1 Mr. [REDACTED] in October of 2020; okay?</p> <p>2 A. Yeah.</p> <p>3 Q. It says (as read):</p> <p>4 "Hello my good sir. Over my time</p> <p>5 here, I've been pretty much averaging the</p> <p>6 three hours a week."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. (As read):</p> <p>10 "Sometimes less."</p> <p>11 Right?</p> <p>12 A. Yes.</p> <p>13 Q. And then (as read):</p> <p>14 "Sometimes more."</p> <p>15 Right?</p> <p>16 A. Yes.</p> <p>17 Q. And then you refer to (as read):</p> <p>18 "Two things afoot that might mean</p> <p>19 more hours, not a lot, but maybe six to</p> <p>20 eight hours for a period of time, roughly</p> <p>21 two months."</p> <p>22 I included the "roughly." But in</p> <p>23 parentheses, "two months."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 656</p> <p>1 things; right?</p> <p>2 A. No, I wouldn't agree with that</p> <p>3 characterization.</p> <p>4 Q. Well, let me ask the question a slightly</p> <p>5 different way.</p> <p>6 It's not your testimony that you had a line</p> <p>7 of sight into every element of well-being and safety</p> <p>8 work that was going on at the company from 2019 to</p> <p>9 2021, is it?</p> <p>10 MR. CARTMELL: Object to the form.</p> <p>11 THE WITNESS: What do you mean by "line of</p> <p>12 sight"?</p> <p>13 BY MS. JONES:</p> <p>14 Q. Visibility into.</p> <p>15 MR. CARTMELL: Same objection.</p> <p>16 THE WITNESS: Can you repeat the full</p> <p>17 question, then?</p> <p>18 BY MS. JONES:</p> <p>19 Q. Yeah. And I can also ask it a slightly</p> <p>20 different way.</p> <p>21 Is it certainly the case that there are</p> <p>22 lots of things that might have been going on and</p> <p>23 were going on in terms of well-being and child</p> <p>24 safety things at the company that you would not have</p> <p>25 been involved in at all because you were working, on</p>

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<p style="text-align: right;">Page 657</p> <p>1 average, three hours a week?</p> <p>2 MR. CARTMELL: Same objection.</p> <p>3 THE WITNESS: I don't agree with that</p> <p>4 statement.</p> <p>5 BY MS. JONES:</p> <p>6 Q. Okay. Are you -- is it your view that you</p> <p>7 had a full sense of everything that was working --</p> <p>8 let me strike that.</p> <p>9 Is it your testimony that working, on</p> <p>10 average, three hours a week, sometimes less,</p> <p>11 sometimes more, that you had a full and complete</p> <p>12 picture of everything that was going on at the</p> <p>13 company in terms of teen well-being and safety work,</p> <p>14 all of it?</p> <p>15 A. Like all of it, everything happening in</p> <p>16 every team, all of the time?</p> <p>17 Q. Yes.</p> <p>18 A. I guess -- I guess not.</p> <p>19 Q. Of course not; right?</p> <p>20 A. Well, I think it's -- it's a -- it's --</p> <p>21 three hours when you spend them with the leads</p> <p>22 talking about prioritization and efforts gives you a</p> <p>23 very good perspective of everything that's happening</p> <p>24 in the meeting. If one of your three hours is</p> <p>25 talking to product managers or engineering</p>	<p style="text-align: right;">Page 659</p> <p>1 But just so the jury is clear, when you</p> <p>2 talk about what you knew based on communications</p> <p>3 with members of the Instagram well-being team, you</p> <p>4 also recognize that there were plenty of other teams</p> <p>5 who were focused on teen well-being and child safety</p> <p>6 issues at the company; yes?</p> <p>7 MR. CARTMELL: Same objection.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. JONES:</p> <p>10 Q. When you testified before the Senate, did</p> <p>11 you mention, "Just, by the way, when I was there</p> <p>12 from 2019 to 2021, I was really only averaging about</p> <p>13 three hours a week in terms of work I was doing at</p> <p>14 the company"?</p> <p>15 A. I don't believe I used that sentence that</p> <p>16 you just told me.</p> <p>17 Q. Did you in any way communicate how limited</p> <p>18 your role was when you went back to the company from</p> <p>19 2019 to 2021?</p> <p>20 A. Again, that all depends on how you define</p> <p>21 "limited."</p> <p>22 Q. Well, let's define it relative to your</p> <p>23 full-time role some years back.</p> <p>24 Your role from 2019 to 2021 was certainly</p> <p>25 limited relative to that; right?</p>
<p style="text-align: right;">Page 658</p> <p>1 leadership about what they're working on, it gives</p> <p>2 you good visibility about these areas.</p> <p>3 And so I think that -- that you can have a</p> <p>4 very good vantage point as to what's happening</p> <p>5 within the company with a few hours a week,</p> <p>6 depending on how the time is spent.</p> <p>7 Q. Okay. Fair enough.</p> <p>8 Do you -- and we'll talk about this in more</p> <p>9 detail.</p> <p>10 You understand that there were teams</p> <p>11 working on teen well-being and child safety issues</p> <p>12 outside of the Instagram well-being team. You know</p> <p>13 that; right?</p> <p>14 A. Yes.</p> <p>15 Q. And you were not plugged in to those teams.</p> <p>16 You were associated with the Instagram well-being</p> <p>17 team; right?</p> <p>18 MR. CARTMELL: Object to the form.</p> <p>19 THE WITNESS: That -- by being</p> <p>20 "associated," you mean that I reported and worked</p> <p>21 primarily with that team, then the answer to that</p> <p>22 would be, yes. But I also talked to other teams in</p> <p>23 other parts of the company.</p> <p>24 BY MS. JONES:</p> <p>25 Q. Sure. Sure.</p>	<p style="text-align: right;">Page 660</p> <p>1 MR. CARTMELL: Object to the form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. JONES:</p> <p>4 Q. And let's put aside the Senate for the</p> <p>5 moment. You've been testifying for a couple --</p> <p>6 almost a couple of days now. You at no point -- and</p> <p>7 I've listened very carefully -- shared with the jury</p> <p>8 that when you were at the company from 2019 to 2021,</p> <p>9 you were averaging three hours a week in terms of</p> <p>10 how much time you were putting into that particular</p> <p>11 role.</p> <p>12 A. And -- and I'm very happy to share here</p> <p>13 and -- my time cards and all the time that I spent</p> <p>14 working on these things.</p> <p>15 Q. During that period from 2019 to 2021, you</p> <p>16 were not part of the central integrity team that is</p> <p>17 responsible for addressing some of the safety issues</p> <p>18 and child safety issues that you've testified about;</p> <p>19 right?</p> <p>20 A. Right.</p> <p>21 Q. And you were not a part of the research</p> <p>22 organization at the company; right?</p> <p>23 A. I did not report into the management</p> <p>24 structure of the research organization at the time.</p> <p>25 Q. Okay. And so is -- I want to go back to my</p>

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<p style="text-align: right;">Page 661</p> <p>1 question.</p> <p>2 From 2019 to 2021, you were not part of the</p> <p>3 research organization at the company; right?</p> <p>4 A. Right.</p> <p>5 Q. And you were not involved in well-being or</p> <p>6 safety efforts relating to the Facebook app; is that</p> <p>7 right?</p> <p>8 A. No, that's not quite right.</p> <p>9 Q. Okay. You didn't -- did you do any work</p> <p>10 on -- with teams that were focused on algorithmic</p> <p>11 recommendations?</p> <p>12 A. I did work with a team on Facebook blue --</p> <p>13 I forget the name of it -- that was focusing on</p> <p>14 these class of issues. And I believe part of that</p> <p>15 included algorithmic recommendations.</p> <p>16 MS. JONES: And, Mr. Reynolds, we can pull</p> <p>17 this document down from the screen. And I want to</p> <p>18 make sure that I'm asking the right question for the</p> <p>19 right time period.</p> <p>20 BY MS. JONES:</p> <p>21 Q. From 2019 to 2021, Mr. Bejar, when you were</p> <p>22 functioning as a contingent employee for the</p> <p>23 company, did you work with any teams doing --</p> <p>24 focused on algorithmic recommendations?</p> <p>25 A. The -- can I give a little detailed answer,</p>	<p style="text-align: right;">Page 663</p> <p>1 distressing.</p> <p>2 Q. Okay. And other than that presentation,</p> <p>3 did you work with any teams between 2019 and 2021</p> <p>4 who were focused on algorithmic recommendations?</p> <p>5 A. Not that I recall. But that doesn't mean I</p> <p>6 didn't do that. I -- I'm trying to think about all</p> <p>7 the people that I interacted with during my time</p> <p>8 there.</p> <p>9 Q. You have -- you've spent a fair bit of time</p> <p>10 talking about Meta's Community Standards Enforcement</p> <p>11 Report in the last day or so with counsel; yes?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Did you ever do any work on the</p> <p>14 company's Community Standards Enforcement Report?</p> <p>15 A. As in discussing it with people in central</p> <p>16 integrity, or as in the creation and release of it?</p> <p>17 Q. Let me be more precise. It's a fair</p> <p>18 follow-up from you.</p> <p>19 My question is, were you ever involved in</p> <p>20 the development of the Community Standards</p> <p>21 Enforcement Report?</p> <p>22 A. I was not.</p> <p>23 Q. And, in fact, when the company first</p> <p>24 launched that reporting, you were actually not</p> <p>25 there.</p>
<p style="text-align: right;">Page 662</p> <p>1 because I think that there's something here that's</p> <p>2 important to convey?</p> <p>3 Q. Sure.</p> <p>4 A. Okay. So the -- the bad experiences work</p> <p>5 that was born on Instagram was also adopted and</p> <p>6 there was a presentation done and conversations were</p> <p>7 had with people that were in the Facebook blue</p> <p>8 application. And that team, I believe, one of the</p> <p>9 responsibilities was looking at the content that was</p> <p>10 getting recommended and harmful experiences.</p> <p>11 Q. Okay. But beyond what it sounds like was</p> <p>12 interactions that you might have had with folks on</p> <p>13 Facebook blue in connection with your work on BEEFs,</p> <p>14 did you work on any teams in this 2019 to 2021</p> <p>15 period doing work related to algorithmic</p> <p>16 recommendations?</p> <p>17 A. So what I just described was not about</p> <p>18 BEEF. It was about the general concept of bad</p> <p>19 experiences as they play out in the different</p> <p>20 surfaces of the product. And in that context, I did</p> <p>21 have -- I recall representation that I was part of</p> <p>22 the discussions in crafting that for Facebook blue</p> <p>23 that talked about the amount of time between a</p> <p>24 Facebook user opening the app and the amount of time</p> <p>25 that they got a recommendation that they found</p>	<p style="text-align: right;">Page 664</p> <p>1 Do you know that?</p> <p>2 A. Yes.</p> <p>3 Q. And so you don't know what the discussions</p> <p>4 were around why the company decided to adopt the</p> <p>5 Community Standards Enforcement Report as a</p> <p>6 mechanism for sharing certain information on</p> <p>7 prevalence of certain harms on the platform?</p> <p>8 A. No, that's not quite right.</p> <p>9 Q. Okay. What part of it is not right?</p> <p>10 A. I believe I had discussions during the</p> <p>11 two years I was there with people who worked on it</p> <p>12 and about it.</p> <p>13 Q. Who specifically do you recall talking</p> <p>14 about it with?</p> <p>15 A. I think Arcadiy within central integrity.</p> <p>16 And I think both [REDACTED] in central integrity,</p> <p>17 as well as -- I'm forgetting her name right now.</p> <p>18 She's a [REDACTED] manager. I should really</p> <p>19 remember her name because she was actually part of</p> <p>20 the protect and care team earlier in her tenure at</p> <p>21 Meta. I apologize. I don't remember her name.</p> <p>22 Q. That's okay. No apology necessary.</p> <p>23 But in -- do you understand that the -- the</p> <p>24 community standards enforcement reporting started in</p> <p>25 2018; are you aware of that?</p>

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<p style="text-align: right;">Page 665</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And in terms of discussions</p> <p>3 surrounding the decision at that time, discussions</p> <p>4 at that time, to use the Community Standards</p> <p>5 Enforcement Report as a way to communicate</p> <p>6 information about certain harms, you would not have</p> <p>7 been part of those discussions; right?</p> <p>8 A. Right.</p> <p>9 Q. And so you don't know based on any</p> <p>10 involvement in actual decision-making around that</p> <p>11 time why it was that the company decided to use a</p> <p>12 Community Standards Enforcement Report as a way to</p> <p>13 convey information about prevalence of certain</p> <p>14 harms; right?</p> <p>15 A. I'm sorry. That was, like, a really long</p> <p>16 question.</p> <p>17 Q. It was.</p> <p>18 A. Can you go through it again?</p> <p>19 Q. Sure.</p> <p>20 In terms of decision-making that happened</p> <p>21 at the time that the company adopted the Community</p> <p>22 Standards Enforcement Reporting program, you would</p> <p>23 not know why it was that the company decided to do</p> <p>24 that based on discussions at the time?</p> <p>25 A. I don't agree with that.</p>	<p style="text-align: right;">Page 667</p> <p>1 had with folks from central integrity after the</p> <p>2 fact, did anyone ever tell you that the reason that</p> <p>3 the company had adopted the Community Standards</p> <p>4 Enforcement Reporting program was because they were</p> <p>5 trying to hide the true extent of harm on the</p> <p>6 company's platforms?</p> <p>7 A. Not as far as I recall. But I had</p> <p>8 conversations with many people about the gaps</p> <p>9 between that report and what TRIPS and other similar</p> <p>10 surveys were finding.</p> <p>11 Q. Sure. Under -- understood.</p> <p>12 My question is just, did anyone ever tell</p> <p>13 you that the reason that the company was using -- is</p> <p>14 it okay if I say the term "CSER report"? Will you</p> <p>15 know what I mean when I --</p> <p>16 A. I do.</p> <p>17 Q. -- I say "CSER"?</p> <p>18 That the reason that the company was using</p> <p>19 the CSER program was because it was somehow trying</p> <p>20 to hide the actual extent of harm on its platforms.</p> <p>21 Did anyone ever tell you that?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Did you work on age verification or age</p> <p>24 prediction tools when you were back at the company</p> <p>25 from 2019 to 2021 working as a contingent worker?</p>
<p style="text-align: right;">Page 666</p> <p>1 Q. Okay. You weren't there in 2018; right?</p> <p>2 A. I was not there in 2018.</p> <p>3 Q. Okay.</p> <p>4 A. I did not participate in those</p> <p>5 conversations when they happened. But I did -- is</p> <p>6 it okay?</p> <p>7 Q. You're certainly allowed to finish your</p> <p>8 answer. I will not stop you at a comma. Go ahead.</p> <p>9 You did what?</p> <p>10 A. Okay. I did discuss that with people in</p> <p>11 the central integrity structure after the fact,</p> <p>12 trying to understand why that was a transparency</p> <p>13 report and sort of the thinking behind it.</p> <p>14 Q. And in those discussions, did anyone from</p> <p>15 central integrity tell you that the reason that the</p> <p>16 company had adopted the Community Standards</p> <p>17 Enforcement Reporting program was because they were</p> <p>18 trying to somehow hide the true extent of harm on</p> <p>19 its platforms?</p> <p>20 A. Sorry. Are you asking me if that -- if</p> <p>21 that was their motivation for that?</p> <p>22 Q. I'm not asking you what -- I do want to be</p> <p>23 clear on this. I'm not asking you what you think</p> <p>24 the company's motivation was.</p> <p>25 My question is, in the discussions that you</p>	<p style="text-align: right;">Page 668</p> <p>1 A. I did not.</p> <p>2 Q. Did you work on age verification or age</p> <p>3 prediction tools at all when you were at the company</p> <p>4 from 2009 to 2015?</p> <p>5 A. Yes.</p> <p>6 Q. What specifically did you work on in that</p> <p>7 time frame?</p> <p>8 A. So we were responsible for the product side</p> <p>9 of that. So asking age, having some measures in</p> <p>10 case somebody had said their age. Like, if you try</p> <p>11 to go in and say that you were, for example, 8, then</p> <p>12 we were like, "Sorry, you can't come in" -- sorry.</p> <p>13 Let me back up a little bit.</p> <p>14 So there was a product side of age</p> <p>15 verification, which is how you state your age when</p> <p>16 you're signing up into the product, and then what</p> <p>17 you do once they tell you the age.</p> <p>18 And we had the -- the set of tools that if</p> <p>19 somebody told us that they were under 13 and then</p> <p>20 they try to come back and change that, they would be</p> <p>21 stopped and asked to provide further proofing or it</p> <p>22 wouldn't be possible to sign up to the account.</p> <p>23 We also had sort of the -- I had managed</p> <p>24 the product manager and engineers that worked on</p> <p>25 further proofing should it be necessary. So we</p>

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<p style="text-align: right;">Page 669</p> <p>1 called that "Checkpoint" where we'd checkpoint an 2 account once we had reason to believe that it was 3 underage. And we also did, I think, some basic 4 estimation efforts at the time. 5 Q. And when you came back from 2019 to 2021, 6 you weren't involved in any of that work; is that 7 right? 8 A. Not directly. That's right. 9 Q. And by the -- by the time you left the 10 company in 2015, was it still the case that there 11 were kids who might lie about their age and end up 12 on platforms under the age of 13? 13 A. Yes. 14 Q. And that was even though -- it was despite 15 the fact that your team was doing everything they 16 could to try to prevent that? 17 A. Uh ... 18 Q. Let me ask the question a different way. 19 A. Yeah. Thank you. 20 Q. By the time you left the company in 2015, 21 having been there for six years -- yes? 22 A. Yes. 23 Q. In a director of engineering role; right? 24 A. Yes. 25 Q. Reporting up directly to the chief</p>	<p style="text-align: right;">Page 671</p> <p>1 him a direction that he needs to answer a question 2 if he can "yes" or "no." But in fairness, if the 3 witness cannot answer "yes" or "no" or needs to give 4 further context to it, he's allowed to do that. And 5 I just want to make that clear. 6 MS. JONES: Well, let me just say, I'm not 7 sure it's entirely appropriate for you to be 8 coaching the witness, Mr. Cartmell, who's not even 9 your witness. 10 BY MS. JONES: 11 Q. But can you answer my question "yes" or 12 "no," Mr. Bejar? 13 MR. CARTMELL: Object to the form. 14 THE WITNESS: It just -- I mean, I have to 15 say that -- that the way that the question is -- and 16 this is the other thing I wrote down since you were 17 asking me about what I write down. If you're asking 18 to zero or successfully and completely solving any 19 one of these problems, in my experience, that is 20 not, like, a reasonable standard. 21 These issues are ongoing issues. And the 22 key is about tracking how much you're reducing them 23 over time, about the efforts, and very importantly 24 what is it that you do when you become aware of 25 these issues. And that's what drives the work.</p>
<p style="text-align: right;">Page 670</p> <p>1 technology officer; right? 2 A. Yes. 3 Q. Had your team -- either just your team or 4 working with other -- reduced the number of kids who 5 might lie about their age and end up on Facebook or 6 Instagram to zero? 7 MR. CARTMELL: Object to the form. 8 THE WITNESS: I'm sorry. 9 MR. CARTMELL: And foundation. 10 Sorry. Go ahead. 11 THE WITNESS: Yeah. 12 No. But ... 13 MR. CARTMELL: You can -- well, you can 14 finish your answer. 15 THE WITNESS: Okay. Yeah. So -- 16 BY MS. JONES: 17 Q. Well, I want to make sure that your answer 18 is responsive to my question. 19 My question was just, by the -- you were at 20 the company for six years, from 2009 to 2015. By 21 the time you left in 2015, had you all reduced the 22 number of kids who might lie about their age and end 23 up on the company's platforms to zero? 24 MR. CARTMELL: Okay. And I want to say he 25 needs to be able to finish his answer. And you gave</p>	<p style="text-align: right;">Page 672</p> <p>1 And so the -- I think it's really important 2 to say -- if you say to -- if you say "to zero," 3 "successful" and "completely" on all these other 4 things, then it's -- I mean, I would like the jury 5 to know that in my experience and lifetime of 6 working on these issues, I don't think that there's 7 anybody, in any company, in any circumstance, that 8 could ever answer that question with a "yes." 9 BY MS. JONES: 10 Q. Understood. And agreed. 11 Tell the jury what the M-team is. 12 A. It's Mark Zuckerberg, Sheryl Sandberg -- so 13 some of his direct reports. And then there are 14 other people that are not their direct reports that 15 are invited to be part of the M-team meeting. 16 So sometimes the head of a product area 17 that might report to Chris Cox would be in the 18 conversations. 19 Sometimes the -- the head of operations 20 would be in those meetings. 21 So you -- it was a group of, depending on 22 the point in time of the company, between I think 23 initially 6 and by the time I left probably around 24 15 people that would be receiving the messages that 25 you send to M-team.</p>

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<p style="text-align: right;">Page 673</p> <p>1 Q. Between 2019 and 2021 when you were at the 2 company as a contingent worker, were you ever in any 3 meetings of the M-team? 4 A. I was not. 5 Q. Do you have any idea during that period 6 what the M-team was discussing, including on some of 7 these well-being and child safety issues? 8 A. I do not. 9 Q. And there's also something at the company 10 known as "Small Group"; right? 11 A. I'm not familiar with that term. 12 Q. You don't know what Small Group is at the 13 company? 14 A. No. 15 Q. Okay. So fair to say that you were not 16 participating in any Small Group meetings because it 17 sounds like you're not familiar with what that is; 18 is that right? 19 A. Yes. 20 Q. What about -- you understand that Meta has 21 a board of directors? 22 A. Yes. 23 Q. Were you ever involved in any meetings of 24 the company's board of directors, including on 25 subjects relating to team well-being or child safety</p>	<p style="text-align: right;">Page 675</p> <p>1 either well-being efforts or child safety efforts at 2 the company? 3 A. I did not. 4 Q. Do you have any awareness of how many heads 5 might have been allocated to particular teams 6 focused on teen well-being or child safety? 7 A. Sorry, a little bit more context. You mean 8 Meta overall? Do you mean within Instagram 9 well-being team? 10 Q. Good question. Yeah. 11 I'm asking Meta overall, would you have any 12 awareness of how many heads would have been 13 allocated to teams that were focused on teen 14 well-being or child safety between 2019 and 2021? 15 A. No. 16 Q. Just asking the question Meta overall, do 17 you have any specific information about what efforts 18 were or were not funded with respect to teen 19 well-being and child safety efforts of the company? 20 MR. CARTMELL: Object to the form. 21 THE WITNESS: Outside of Instagram, I did 22 not. 23 BY MS. JONES: 24 Q. You were not -- in between 2019 and 2021, 25 you weren't involved in hiring, were you?</p>
<p style="text-align: right;">Page 674</p> <p>1 issues? 2 And let me be more specific. Between 2019 3 and 2021. 4 A. Thank you. 5 No. 6 Q. Sure. 7 (Discussion off the stenographic record.) 8 BY MS. JONES: 9 Q. During this period, Mr. Bejar, from 2019 to 10 2021, can we agree that there would have been some 11 meaningful number of meetings and discussions going 12 on at the company that you simply would not have 13 been a part of because you were a contingent worker 14 working on average three hours a week? 15 A. Yes. 16 Q. Including on the subjects of teen 17 well-being and child safety? 18 A. Yes. 19 Q. You have made, I think, a number of 20 statements in the last couple of days about 21 resourcing around teen well-being and child safety; 22 yes? 23 A. Yes. 24 Q. Between 2019 and 2021, did you have any 25 role at all in the head-count allocation process for</p>	<p style="text-align: right;">Page 676</p> <p>1 A. I'm trying to recall if I helped interview 2 people, but I don't recall. 3 Q. Okay. And the company has what are known 4 as H1 and H2 plans; right? 5 A. Correct. 6 Q. And just give me the nutshell version, 7 truly the nutshell version, of what an H1 or H2 plan 8 is. 9 A. So those describe halves of the year. And 10 so H1 is for the first half of the year, and H2 is 11 for the second half of the year. 12 Q. And is it the case that different teams at 13 the company are required to prepare H1 and H2 plans? 14 A. Yes. I did that for many years. 15 Q. And when you say you did it for many years, 16 do you mean you did it from 2009 to 2015? 17 A. Correct. 18 Q. When you came back to the company as a 19 contingent worker from 2019 to 2021, did you have 20 any role at all in drafting H1, H2 plans for any 21 team at the company? 22 A. Yes, I was part of some conversations for 23 drafting those plans for the well-being team for 24 Instagram. 25 Q. Any others?</p>

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<p style="text-align: right;">Page 677</p> <p>1 A. No.</p> <p>2 Q. And when you say you were parts -- part of</p> <p>3 some conversations, what does that mean exactly?</p> <p>4 A. It meant that in the -- for example, in the</p> <p>5 well-being leads meetings where we discussed the</p> <p>6 plans, I would be invited to be part of those</p> <p>7 meetings and give feedback. I would also give</p> <p>8 feedback on sort of metrics and goals, sometimes</p> <p>9 feedback on features, and sort of the framing of</p> <p>10 some of the issues.</p> <p>11 Q. During this period from 2019 to 2021, you</p> <p>12 would not have been characterized as a member of</p> <p>13 senior leadership at the company; right?</p> <p>14 A. Right.</p> <p>15 Q. And when you were at the company from 2019</p> <p>16 to 2021 as a part-time consultant, you were not</p> <p>17 regularly meeting with Mark Zuckerberg or</p> <p>18 Sheryl Sandberg or Adam Mosseri or Chris Cox; yes?</p> <p>19 Is that right?</p> <p>20 A. Yes.</p> <p>21 Q. During that time period, from 2019 to 2021,</p> <p>22 putting aside for a moment the e-mail that you sent</p> <p>23 to Mr. Zuckerberg right before you finished your</p> <p>24 time as a consultant, during that time period, did</p> <p>25 you ever have any conversations with Mark Zuckerberg</p>	<p style="text-align: right;">Page 679</p> <p>1 responding; okay?</p> <p>2 A. Okay.</p> <p>3 Q. Okay. During that -- you never -- in that</p> <p>4 period from 2019 to 2021, you never had any</p> <p>5 conversations with Mr. Zuckerberg about the subject</p> <p>6 of teen well-being; is that right?</p> <p>7 A. Correct.</p> <p>8 Q. And in that period from 2019 to 2021, you</p> <p>9 didn't have any conversations with Mark Zuckerberg</p> <p>10 about child safety; right?</p> <p>11 A. No in-person dialogue.</p> <p>12 Q. Right.</p> <p>13 And you all didn't message with each other</p> <p>14 back and forth on that subject either; right?</p> <p>15 A. Right.</p> <p>16 Q. He was not sharing with you his thinking on</p> <p>17 why he was doing certain things or making certain</p> <p>18 decisions; right?</p> <p>19 A. Right.</p> <p>20 Q. And you're not offering the view in your</p> <p>21 deposition here that you somehow can opine on</p> <p>22 Mr. Zuckerberg's intent with respect to decisions</p> <p>23 that he's made as the leader of the company; right?</p> <p>24 A. I can comment about the choices that he</p> <p>25 makes.</p>
<p style="text-align: right;">Page 678</p> <p>1 on any topic?</p> <p>2 A. I believe I -- before I came back, I</p> <p>3 reached out to Mark Zuckerberg over a direct</p> <p>4 messaging. He didn't write back. And I did not</p> <p>5 have any conversations with him while I was a</p> <p>6 contingent -- sorry, when I was back at Instagram.</p> <p>7 Q. Okay. Let me just come back to my question</p> <p>8 and make sure that the record is clear.</p> <p>9 During the period that you were a</p> <p>10 contingent worker at the company from 2019 to 2021</p> <p>11 as a contingent -- excuse me. Strike that.</p> <p>12 During the period that you were a</p> <p>13 contingent worker at the company, from 2019 to 2021,</p> <p>14 did you ever have any conversations with</p> <p>15 Mark Zuckerberg on any topic?</p> <p>16 A. I did not.</p> <p>17 Q. You never had a conversation with</p> <p>18 Mr. Zuckerberg about teen well-being, right, from</p> <p>19 2019 to 2021?</p> <p>20 A. Just, I'm pausing because it's important to</p> <p>21 exclude the message I sent to him because it was</p> <p>22 about that.</p> <p>23 Q. Yeah. Let me take a step back.</p> <p>24 When I -- when I say "conversation," I mean</p> <p>25 an interactive you were talking to him and he was</p>	<p style="text-align: right;">Page 680</p> <p>1 Q. And my question was a little bit more</p> <p>2 specific, Mr. Bejar.</p> <p>3 You are not in a position to offer an</p> <p>4 opinion, expert or otherwise, on Mr. Zuckerberg's</p> <p>5 intent with respect to those decisions?</p> <p>6 A. I mean, I think that ends up being pretty</p> <p>7 nuanced in my view, because about the extent of time</p> <p>8 with which I worked with him, I think I had a pretty</p> <p>9 good mental model of what he was doing.</p> <p>10 And then the other thing that I think is</p> <p>11 important is kind of observing and sort of noticing</p> <p>12 when these issues came up, all of the things that he</p> <p>13 said about them were very kind of consistent.</p> <p>14 And so I think that I can speak to sort of</p> <p>15 the things that he was saying and what I believe</p> <p>16 might be the underlying mental model behind those</p> <p>17 things.</p> <p>18 Q. Are you -- I want to make sure I understand</p> <p>19 both the answer to my question but also what you</p> <p>20 mean by the "underlying mental model."</p> <p>21 My question was pretty specific.</p> <p>22 Are you offering an opinion, expert or</p> <p>23 otherwise, about Mr. Zuckerberg's intent in making</p> <p>24 certain decisions with respect to the company?</p> <p>25 MR. CARTMELL: Objection. Asked and</p>

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<p style="text-align: right;">Page 681</p> <p>1 answered.</p> <p>2 THE WITNESS: Sorry, I'm just giving a</p> <p>3 little bit of time for the question to -- to turn.</p> <p>4 I think I am giving well-formed sort of</p> <p>5 thoughts. Again -- and part of it is I'm trying to</p> <p>6 be very precise about what each of the words on that</p> <p>7 means. But, I mean, I do have pretty well-formed</p> <p>8 thoughts as to when we talk about harm, right, the</p> <p>9 very consistent response from Mark and what he meant</p> <p>10 of harm when I heard him talk about harm. And I do</p> <p>11 think I have a well-formed opinion to talk about</p> <p>12 that and what that means.</p> <p>13 But I don't know what's in a man's heart.</p> <p>14 And so that's why I kind of talk about motivations,</p> <p>15 intentions, and all of these things. It's a pretty</p> <p>16 complicated landscape. And so I try to guide the</p> <p>17 representations that I make based on the choices</p> <p>18 that I observe people making.</p> <p>19 BY MS. JONES:</p> <p>20 Q. And I apologize, Mr. Bejar, I'm not sure if</p> <p>21 I heard an answer to my specific question, which was</p> <p>22 whether you are offering opinions, expert or</p> <p>23 otherwise, about Mr. Zuckerberg's intent in making</p> <p>24 certain decisions with respect to the company?</p> <p>25 MR. CARTMELL: Okay. I want to object and</p>	<p style="text-align: right;">Page 683</p> <p>1 noticing that I'm feeling very tired right now. So</p> <p>2 when it's appropriate for the forum, I would really</p> <p>3 like to take a break right now.</p> <p>4 Q. We can take a break right now if you'd like</p> <p>5 to. That's entirely fine.</p> <p>6 A. Well, thank you.</p> <p>7 Q. Okay.</p> <p>8 A. Appreciate that.</p> <p>9 THE VIDEOGRAPHER: The time is 5:27. We're</p> <p>10 off the record.</p> <p>11 (Recess taken from 5:27 to 5:44.)</p> <p>12 THE VIDEOGRAPHER: The time is 5:44. We're</p> <p>13 back on the record.</p> <p>14 BY MS. JONES:</p> <p>15 Q. Mr. Bejar, welcome back.</p> <p>16 I wanted to actually come back to your time</p> <p>17 after you left the company in 2015 but before you</p> <p>18 came back in 2019; okay?</p> <p>19 A. Okay.</p> <p>20 Q. Was any of the consulting work that you</p> <p>21 were doing related to teen well-being or child</p> <p>22 safety issues?</p> <p>23 A. It was not.</p> <p>24 Q. You have testified that in your opinion,</p> <p>25 the company was prioritizing growth and engagement</p>
<p style="text-align: right;">Page 682</p> <p>1 move to strike the statement of counsel. And same</p> <p>2 objection, it's been asked and answered.</p> <p>3 MS. JONES: Certainly asked. Not yet</p> <p>4 answered.</p> <p>5 BY MS. JONES:</p> <p>6 Q. Do you want me to ask the question again or</p> <p>7 has it -- do you have it?</p> <p>8 A. I mean, I --</p> <p>9 MR. CARTMELL: Same objection. I'm going</p> <p>10 to move to strike the statement of counsel. Asked</p> <p>11 and answered.</p> <p>12 BY MS. JONES:</p> <p>13 Q. I know this is a little disorienting.</p> <p>14 Do you want me to ask the question one more</p> <p>15 time?</p> <p>16 A. No. I just --</p> <p>17 Q. Or do you have it?</p> <p>18 A. I just think I've answered it, so -- to the</p> <p>19 best of my ability, I mean.</p> <p>20 Q. And I want to -- you've answered it insofar</p> <p>21 as you've said, yes, you are offering opinions on</p> <p>22 his intent or, no, you're not?</p> <p>23 A. I mean, I think I covered the landscape in</p> <p>24 the answer that I gave.</p> <p>25 And I would also like to say that I'm also</p>	<p style="text-align: right;">Page 684</p> <p>1 over safety in this 2019 to 2021 time frame when you</p> <p>2 were a part-time consultant; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And just so the jury understands when we</p> <p>5 use the term "engagement," that's just -- are people</p> <p>6 using the product that you're putting out in the</p> <p>7 world? Is that a kind of casual or informal way to</p> <p>8 say it?</p> <p>9 MR. CARTMELL: Object to the form.</p> <p>10 THE WITNESS: No. Engagement is a really</p> <p>11 important topic; right? An engagement is a</p> <p>12 combination of time spent, whether you comment or</p> <p>13 like, or the different forms for which you can</p> <p>14 engage with a product.</p> <p>15 BY MS. JONES:</p> <p>16 Q. Okay. And I appreciate the -- the</p> <p>17 explanation there.</p> <p>18 Engagement is not a bad thing; right?</p> <p>19 MR. CARTMELL: Object to the form.</p> <p>20 THE WITNESS: Unlimited engagement is a bad</p> <p>21 thing. Engagement without measurement or of harm</p> <p>22 that might come from that engagement can be bad too.</p> <p>23 BY MS. JONES:</p> <p>24 Q. Well, my question is -- well, let me ask it</p> <p>25 this way: You have previously testified that</p>

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<p style="text-align: right;">Page 685</p> <p>1 engagement is not inherently bad; is that true?</p> <p>2 A. Engagement on its own, without any bounds,</p> <p>3 can be bad. Engagement with right balance with</p> <p>4 other metrics can be good. You have to know that</p> <p>5 people are using your product.</p> <p>6 Q. Understood. Okay.</p> <p>7 And on the -- on the demonstrative that you</p> <p>8 were talking about with counsel yesterday -- you can</p> <p>9 pull it up if you want to. It's Exhibit No. 10,</p> <p>10 Deposition Exhibit No. 10. It's also going to be on</p> <p>11 the screen, I think -- the first thing that you all</p> <p>12 put on the list was (as read):</p> <p>13 "Meta's leadership's top priority is</p> <p>14 growth and engagement, not safety."</p> <p>15 Do you see that?</p> <p>16 A. I do, yes.</p> <p>17 Q. And, again, you -- it sounds like you have</p> <p>18 not had an actual conversation with Mark Zuckerberg</p> <p>19 in -- has it been a decade?</p> <p>20 A. I don't remember the last time I spoke to</p> <p>21 him.</p> <p>22 Q. Okay. Have you spoken -- you have not</p> <p>23 spoken to him since 2019; right?</p> <p>24 A. Right.</p> <p>25 Q. Do you recall whether you had any</p>	<p style="text-align: right;">Page 687</p> <p>1 THE WITNESS: Yeah. Again --</p> <p>2 (Simultaneous speakers - unclear.)</p> <p>3 MR. CARTMELL: I'm sorry.</p> <p>4 MR. WARD: Wait.</p> <p>5 MR. CARTMELL: Real quick. And</p> <p>6 characterization of the document creation.</p> <p>7 BY MS. JONES:</p> <p>8 Q. I'm -- I think I'm just -- this is -- just</p> <p>9 so the jury understands, what I'm showing you,</p> <p>10 Deposition Exhibit No. 10, you recognize this as the</p> <p>11 document that you walked through at great length</p> <p>12 with the -- with counsel yesterday; right?</p> <p>13 A. Right.</p> <p>14 Q. What we have up on the screen here is the</p> <p>15 very same document that I believe you testified you</p> <p>16 put together; right?</p> <p>17 A. Right.</p> <p>18 Q. These are the opinions that you've</p> <p>19 expressed over the course of the last two days;</p> <p>20 right?</p> <p>21 A. Right.</p> <p>22 Q. And the first item that you have on your</p> <p>23 list here is (as read):</p> <p>24 "Meta leadership's top priority is</p> <p>25 growth and engagement, not safety."</p>
<p style="text-align: right;">Page 686</p> <p>1 conversations with Mr. Zuckerberg between 2015 and</p> <p>2 2019 when you were between your stints at the</p> <p>3 company?</p> <p>4 A. I mean, I wrote to him during that time,</p> <p>5 but I don't recall him responding.</p> <p>6 Q. Okay. And so just going back to my</p> <p>7 definition of conversation that we talked about</p> <p>8 earlier, is it accurate to say that you have not, in</p> <p>9 fact, had a conversation with Mark Zuckerberg in at</p> <p>10 least a decade?</p> <p>11 A. I don't think that would be accurate</p> <p>12 because I did actually talk to him before I left,</p> <p>13 which was in June, and we're in March. So just to</p> <p>14 be very precise.</p> <p>15 Q. Okay. Fair enough.</p> <p>16 Nine years. Has it been nine years since</p> <p>17 you had any conversation with Mark Zuckerberg?</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. So on this demonstrative that you</p> <p>20 put together with the lawyers here, you said</p> <p>21 (as read):</p> <p>22 "Meta's leadership's top priority is</p> <p>23 growth and engagement, not safety."</p> <p>24 Right?</p> <p>25 MR. CARTMELL: Object to the form.</p>	<p style="text-align: right;">Page 688</p> <p>1 Right?</p> <p>2 A. Right.</p> <p>3 Q. And just so we understand -- so the jury</p> <p>4 understands, you have not had a conversation with</p> <p>5 Meta's senior-most leader in nine years, right, at</p> <p>6 least?</p> <p>7 A. Right. I mean, I -- I only sort of looked</p> <p>8 at all the teams I was working with and the efforts</p> <p>9 around every area that I was involved with.</p> <p>10 Q. When you were at the company as a</p> <p>11 contingent worker between 2019 and 2021, you were</p> <p>12 not involved in making resourcing decisions or</p> <p>13 making decisions about priorities between growth and</p> <p>14 well-being; is that right?</p> <p>15 A. I mean, I do believe it's important for me</p> <p>16 to say -- I would like you to repeat the question,</p> <p>17 but you keep call me "contingent worker" and</p> <p>18 "contingent worker, contingent worker," and I don't</p> <p>19 think that's an accurate characterization of who I</p> <p>20 was because a contingent worker covers so many</p> <p>21 examples of different people. And it -- whatever is</p> <p>22 the title on Workplace about the job that I did is</p> <p>23 not an accurate representation on the grounds of</p> <p>24 which they hired me or the role to which I played.</p> <p>25 I mean, you're looking at the three hours</p>

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<p style="text-align: right;">Page 689</p> <p>1 thing, and the first bullet is with Yoav going on 2 leave, I am going to be working directly with the 3 leads on measurement and metrics; right? 4 And so when the leader of engineering for 5 well-being went on parental leave, I helped fulfill 6 some of his duties. And so that conveys more 7 accurately, I believe, the role that I played for 8 the company during the time that I was there. 9 Q. Okay. Mr. Bejar, I'm going to move to 10 strike as nonresponsive the entirety of that answer. 11 My question -- first of all, you were, in 12 fact, a contingent worker from 2019 to 2021; 13 correct? 14 A. I was a consultant hired for my expertise 15 and the work that I had done for a lifetime in the 16 industry to help this team to -- on its purchase to 17 protect kids. 18 Q. I'm sorry. Is -- "yes" or "no" -- 19 A. Sorry. 20 Q. "Yes" or "no," your formal title with the 21 company was contingent worker? 22 MR. CARTMELL: Well, I'm going to object to 23 that. It's not appropriate for counsel to instruct 24 the witness that he has to answer "yes" or "no." We 25 are in trial right now. That would never happen.</p>	<p style="text-align: right;">Page 691</p> <p>1 BY MS. JONES: 2 Q. Okay. And during this time frame, from 3 2019 to 2021 -- from 2021, you were not involved in 4 making resourcing decisions as between growth and 5 well-being; right? 6 A. Correct. 7 Q. And let's take some examples of -- 8 MS. JONES: Thank you. 9 BY MS. JONES: 10 Q. -- of -- 11 MS. JONES: Well, hold on. We may not use 12 that. Let me just hold on to that for a second. 13 Thank you. 14 BY MS. JONES: 15 Q. Let's take some examples of things that you 16 talked about specifically yesterday. 17 Do you know, for 2019, how many employees 18 or heads, as they're referred to, at Meta were 19 allocated to the growth team? 20 A. I do not. 21 Q. Do you know for the year 2020 how many 22 employees were allocated at Meta to the growth team? 23 A. I do not. 24 Q. And for 2021 do you know how many employees 25 were allocated to the growth team for Meta?</p>
<p style="text-align: right;">Page 690</p> <p>1 It's not fair. He can answer the question the way 2 he sees fit. 3 MS. JONES: And I'm going to object to you 4 coaching the witness. 5 MR. CARTMELL: No, I'm not coaching the 6 witness. But what I'm saying is, Phyllis -- 7 MS. JONES: And I don't -- I don't want to 8 spend -- I understand your objection. 9 MR. CARTMELL: -- we are in trial right 10 now, and that you know that would never be allowed 11 in trial; right? 12 And so I'm saying you cannot instruct -- 13 and a judge would never allow it -- you cannot 14 instruct a witness to say "yes" or "no." He can 15 answer the question as he sees fit. 16 MS. JONES: Okay. 17 BY MS. JONES: 18 Q. Mr. Bejar, do you recall us looking at 19 documents where you were referred to as a contingent 20 worker? "Yes" or "no"? 21 A. Yes, we did. 22 MR. CARTMELL: Same objection. 23 THE WITNESS: Sorry. 24 MR. CARTMELL: Go ahead. 25 THE WITNESS: We saw those documents, yes.</p>	<p style="text-align: right;">Page 692</p> <p>1 A. I do not. 2 Q. And I think you testified to this earlier, 3 but I want to just make sure we have it for the 4 record. 5 In 2019, across Meta, do you know how many 6 employees were allocated to well-being efforts 7 across the company? 8 A. Not across the company, no. 9 Q. Do you know for the year 2020 how many 10 employees were allocated to well-being efforts 11 across the company? 12 A. Not across the company, no. 13 Q. And in 2021 do you know how many employees 14 were allocated to well-being efforts across the 15 company? 16 A. Not across the company, no. 17 Q. Same question as to child safety 18 specifically. 19 Do you know for 2019 how many employees 20 were allocated to child safety efforts across the 21 company in 2019? 22 A. Across the company, no. 23 Q. What about 2020? Do you know how many 24 employees were allocated to child safety efforts 25 across the company in 2020?</p>

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<p style="text-align: right;">Page 693</p> <p>1 A. Across the company, no.</p> <p>2 Q. And how about in 2021? Do you know how</p> <p>3 many employees were allocated to safety efforts</p> <p>4 across the company in 2021?</p> <p>5 A. Across the company, no.</p> <p>6 Q. Do you know how much money Meta spent on</p> <p>7 growth-related initiatives in 2019?</p> <p>8 A. The thing about growth and engagement is</p> <p>9 when I say "growth and engagement," I'm not</p> <p>10 referring to the growth vertical. I'm saying as a</p> <p>11 methodology of product development.</p> <p>12 And so, for example, the Reels team was</p> <p>13 working on these videos. The things they looked at</p> <p>14 is the people looking at the videos, comments and</p> <p>15 other areas. And that was a methodology.</p> <p>16 And so what I observed during my time is</p> <p>17 that the methodology for product development --</p> <p>18 Q. Mr. Bejar, I don't mean -- I really don't</p> <p>19 mean to be rude, and I don't want --</p> <p>20 MR. WARD: Please allow him to finish his</p> <p>21 answer. You can move to strike anything you want</p> <p>22 after he's done, but let him complete his answer.</p> <p>23 MS. JONES: We're going to be -- we're</p> <p>24 going to be here next week --</p> <p>25 MR. WARD: We'll here be as long as we need</p>	<p style="text-align: right;">Page 695</p> <p>1 don't interrupt him by restating the question in the</p> <p>2 middle of his answer.</p> <p>3 MS. JONES: Counsel, may I speak now?</p> <p>4 MR. WARD: Yes.</p> <p>5 MS. JONES: In two days of questioning by</p> <p>6 plaintiffs' counsel, you did not raise a single</p> <p>7 objection. I have been asking -- let me finish.</p> <p>8 Let me finish.</p> <p>9 I have been asking questions for an hour</p> <p>10 and maybe ten minutes, and you are already yelling</p> <p>11 at full volume.</p> <p>12 I would like to withdraw my question.</p> <p>13 BY MS. JONES:</p> <p>14 Q. And I'm going to ask you my next question</p> <p>15 in the interest of time.</p> <p>16 MR. CARTMELL: For the record, I want to</p> <p>17 make it clear, there was no yelling at full volume.</p> <p>18 BY MS. JONES:</p> <p>19 Q. Mr. Bejar, how much did Meta spend on</p> <p>20 growth-related initiatives in 2019? Do you know?</p> <p>21 A. I don't.</p> <p>22 Q. What about 2020?</p> <p>23 A. I don't.</p> <p>24 Q. What about 2021?</p> <p>25 A. I don't.</p>
<p style="text-align: right;">Page 694</p> <p>1 to be. You have -- you have to let my client --</p> <p>2 MS. JONES: -- if we -- if I can't get an</p> <p>3 answer to my question.</p> <p>4 MR. WARD: You have to let him answer the</p> <p>5 question.</p> <p>6 BY MS. JONES:</p> <p>7 Q. Finish your answer.</p> <p>8 A. Yeah. So --</p> <p>9 Q. But can I just remind you of my question?</p> <p>10 My question was --</p> <p>11 MR. WARD: He knows what the question was.</p> <p>12 Let him finish his answer, please. Let him finish</p> <p>13 his answer, please.</p> <p>14 MS. JONES: Counsel, in the course of</p> <p>15 two days of questioning by plaintiffs' counsel --</p> <p>16 MR. WARD: You can't interrupt a witness by</p> <p>17 restating the question to them. That's not a proper</p> <p>18 objection --</p> <p>19 MS. JONES: And --</p> <p>20 MR. WARD: -- or interference with the</p> <p>21 question.</p> <p>22 MS. JONES: And you may not scream at me in</p> <p>23 this way.</p> <p>24 MR. WARD: I'm not. I'm asking you to</p> <p>25 respectfully let my client answer his question. And</p>	<p style="text-align: right;">Page 696</p> <p>1 Q. Do you know how much money Meta spent on</p> <p>2 well-being efforts in 2019?</p> <p>3 A. I don't.</p> <p>4 Q. What about --</p> <p>5 A. Across the company; right?</p> <p>6 Q. Across the company --</p> <p>7 A. Yeah.</p> <p>8 Q. -- yes.</p> <p>9 A. I don't.</p> <p>10 Q. What about 2020?</p> <p>11 A. I don't.</p> <p>12 Q. What about 2021?</p> <p>13 A. I don't.</p> <p>14 Q. And how much did Meta spend on child safety</p> <p>15 efforts in 2019?</p> <p>16 A. You mean across the company?</p> <p>17 Q. Across the company. Thank you.</p> <p>18 A. I don't.</p> <p>19 Q. What about 2020? Do you know that?</p> <p>20 A. Across the company, I don't.</p> <p>21 Q. Across the company, how much did Meta spend</p> <p>22 on child safety efforts in 2021?</p> <p>23 A. I don't know.</p> <p>24 Q. And since you left the company in 2021 to</p> <p>25 today, do you know how much money the company has</p>

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<p style="text-align: right;">Page 697</p> <p>1 spent on team well-being efforts one way or the 2 other?</p> <p>3 A. I don't.</p> <p>4 Q. What about child safety efforts since you 5 left the company? Do you know how much money the 6 company has spent on child safety efforts one way or 7 the other across the company?</p> <p>8 A. I don't.</p> <p>9 Q. And what about the growth team and 10 growth-related initiatives? Do you know since you 11 left the company in 2021 how much money the company 12 has spent on growth-related initiatives since you 13 left until today?</p> <p>14 A. I do not.</p> <p>15 Q. The next item that you have on the 16 demonstrative that you created is -- I actually want 17 to ask if we can focus on Item No. 3.</p> <p>18 Do you see No. 3, Mr. Bejar?</p> <p>19 A. I do, yes.</p> <p>20 Q. And that's (as read): 21 "Meta does not provide adequate 22 resources or support for safety and 23 well-being work." 24 Right? 25 A. Right.</p>	<p style="text-align: right;">Page 699</p> <p>1 Q. What were the specific issues you were 2 addressing there that were child safety related?</p> <p>3 A. That you wanted to create a product that 4 made it such that people couldn't interact with each 5 other in an unsafe fashion. And that was intrinsic 6 to the way the product was designed as well to the 7 way the product was engineered.</p> <p>8 Q. How much of a -- how large of a component 9 of your role at Electric Communities was child 10 safety?</p> <p>11 A. I was the person in charge of engineering 12 the -- sort of the world layer of the product. And 13 so then it was, like, sort of the foundation upon 14 which you can make representations about how people 15 interacted with each other.</p> <p>16 Q. And so I want to be sure I understand here. 17 When you have been referred to as someone 18 who has 30 years of child safety expertise, is that 19 accurate or inaccurate?</p> <p>20 MR. CARTMELL: Object to the form.</p> <p>21 THE WITNESS: I think it's accurate.</p> <p>22 BY MS. JONES:</p> <p>23 Q. Okay. Let's talk about that, including 24 with respect to your time at Meta. 25 I believe you've already testified that you</p>
<p style="text-align: right;">Page 698</p> <p>1 Q. And over the course of your testimony the 2 last two days, you were repeatedly described as a 3 person with 30 years of child safety expertise.</p> <p>4 Do you recall those references?</p> <p>5 MR. CARTMELL: Object to the form.</p> <p>6 THE WITNESS: Thirty years of safety, 7 security, child safety expertise.</p> <p>8 BY MS. JONES:</p> <p>9 Q. Okay. Well, let me -- let's break that 10 down just a little bit.</p> <p>11 Do you have 30 years of child safety 12 expertise?</p> <p>13 A. When I started working for Electric 14 Communities, that product was actually designed for 15 kids because it was a cyberspace. That was one of 16 the aspects of it.</p> <p>17 So that was definitely a consideration 18 early on based on the experience that the founders 19 of the company had building a game for kids in the 20 mid-'80s where they learned a lot of lessons around 21 these issues.</p> <p>22 Q. And what were the specific child safety 23 issues you were dealing with at -- is it Electric 24 Communities?</p> <p>25 A. Electric Communities.</p>	<p style="text-align: right;">Page 700</p> <p>1 didn't have anything to do with child safety on 2 Instagram before you left the company in 2015; 3 correct?</p> <p>4 MR. CARTMELL: Object to the form. 5 Characterization.</p> <p>6 THE WITNESS: Instagram did not have 7 efforts on that front during that time.</p> <p>8 BY MS. JONES:</p> <p>9 Q. That's okay. We can come -- we can come 10 back to the transcript on that.</p> <p>11 Did you know that during the period where 12 you were at the company from 2019 to 2021 as a 13 contingent worker, that there were other teams 14 across the company that were focused on child safety 15 issues?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what the names of those teams 18 were?</p> <p>19 A. I can't -- no, I don't know the names of 20 those teams.</p> <p>21 Q. Are you -- you're familiar with central 22 integrity; yes?</p> <p>23 A. Yes.</p> <p>24 Q. And are you familiar with the integrity 25 ecosystem team?</p>

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<p style="text-align: right;">Page 701</p> <p>1 A. Yes.</p> <p>2 Q. Are you familiar with the integrity</p> <p>3 problems team?</p> <p>4 A. I don't have a complete inventory full of</p> <p>5 the different teams and all of their names.</p> <p>6 Q. Well, that's fine.</p> <p>7 Are you familiar with the integrity</p> <p>8 problems team?</p> <p>9 A. It sounds familiar, but I'm -- I'm trying</p> <p>10 to remember. Again, as I said, I don't have a</p> <p>11 complete inventory. And sort of proper nouns are</p> <p>12 something that my brain has a little bit of a hard</p> <p>13 time with. So it helps me to have, like, more</p> <p>14 context sometimes.</p> <p>15 Q. Okay. What about the integrity foundation</p> <p>16 team? Are you familiar with that?</p> <p>17 A. I don't recall that.</p> <p>18 Q. Okay. What about community integrity?</p> <p>19 A. Oh, absolutely.</p> <p>20 Q. All right. Were you familiar with the</p> <p>21 Instagram trust and safety team?</p> <p>22 A. Yes.</p> <p>23 Q. And you also know that there was a team</p> <p>24 known as youth protections?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 703</p> <p>1 Let me bring you back to my question.</p> <p>2 You would readily acknowledge that there</p> <p>3 were other teams at Instagram in this period from</p> <p>4 2019 to 2021 beyond Instagram well-being that were</p> <p>5 also focused on child safety issues; yes?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what the head-count allocation</p> <p>8 was for any of those teams from 2019 to 2021?</p> <p>9 A. I would know in a -- kind of an order of</p> <p>10 magnitude, relatively speaking. I mean, I know that</p> <p>11 the central integrity team and those areas was a</p> <p>12 much bigger team than the teams that we had on</p> <p>13 Instagram at the time.</p> <p>14 Q. And let me just -- I just want to see if</p> <p>15 you kind of get a sense of what you know about what</p> <p>16 was going on at the -- at the -- in the child safety</p> <p>17 space at the company from 2019 to 2021.</p> <p>18 Do you know who was the tech lead on child</p> <p>19 safety in central integrity from 2019 to 2021?</p> <p>20 A. I don't recall.</p> <p>21 Q. Does the name [REDACTED] ring</p> <p>22 a bell for you?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. Who was the project manager on child</p> <p>25 safety in central integrity during your time from</p>
<p style="text-align: right;">Page 702</p> <p>1 Q. Okay. And there was also a safety policy</p> <p>2 team that's been at the company; yes?</p> <p>3 A. Yes.</p> <p>4 Q. And so you spent a lot of time over the</p> <p>5 course of the last couple of days talking about the</p> <p>6 Instagram well-being team, but it sounds like you</p> <p>7 would readily acknowledge there were other teams</p> <p>8 that you have not testified about who were also</p> <p>9 focused on child safety issues; yes?</p> <p>10 MR. CARTMELL: Object to the form. Move to</p> <p>11 strike the statement of counsel.</p> <p>12 THE WITNESS: I mean, that's a weird</p> <p>13 question because in my experience, for all the time</p> <p>14 I worked at the company, is where -- the heart of</p> <p>15 the work is, is with the engineers and the product</p> <p>16 managers. They're the ones that create the</p> <p>17 features. You have your research, and you have all</p> <p>18 of these teams. And that is what drives the changes</p> <p>19 in the product that have the most substantive effect</p> <p>20 on the safety that people have.</p> <p>21 And so when I talk about that work, I talk</p> <p>22 about that team which would be creating the features</p> <p>23 that provide safety.</p> <p>24 BY MS. JONES:</p> <p>25 Q. Understood.</p>	<p style="text-align: right;">Page 704</p> <p>1 2019 to 2021?</p> <p>2 A. I don't recall.</p> <p>3 Q. Okay. Who was the team lead for child</p> <p>4 safety operations in central integrity during your</p> <p>5 time from 2019 to 2021?</p> <p>6 A. Can you repeat the question? Sorry.</p> <p>7 You're kind of running me through an org chart of a</p> <p>8 different part of the company and it's -- can you</p> <p>9 repeat the question?</p> <p>10 Q. Sure.</p> <p>11 Who was the team lead for child safety</p> <p>12 operations in central integrity during your time</p> <p>13 from 2019 to 2021?</p> <p>14 A. I don't recall.</p> <p>15 Q. Are you familiar with what NCMEC is?</p> <p>16 A. Yes.</p> <p>17 Q. It's the National Center for Missing &</p> <p>18 Exploited Children?</p> <p>19 A. Yes.</p> <p>20 Q. And you understand that there are folks at</p> <p>21 Meta who are specifically focused on NCMEC</p> <p>22 reporting, in particular?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And during the course of your --</p> <p>25 either your employment from 2009 to 2015 to your</p>

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<p style="text-align: right;">Page 705</p> <p>1 consultancy from 2019 to 2021, were you ever a 2 representative for the company at a NCMEC roundtable 3 on the industry's work on child safety? 4 A. So when both PhotoDNA came out and we were 5 looking at reporting, I was the executive sponsor 6 within Facebook to get Facebook to be the first 7 major Internet company to contribute to PhotoDNA and 8 the NCMEC databases and [REDACTED], who was a 9 product manager, which I hired and then realized he 10 was incredibly good at working on child porn and 11 child engagement issues, when he was reporting to me 12 I had him dedicate full time to that work including 13 building tools, images, pipelines, so we could feed 14 the information to NCMEC. And I believe that he 15 would be somebody who would be participating on 16 those roundtables on behalf of the company. 17 MS. JONES: Yeah, I'm going to move to 18 strike all of that as nonresponsive. 19 BY MS. JONES: 20 Q. Let me ask my question again. 21 During your time at the company, whether 22 from 2009 to 2015 or from 2019 to '21, were you ever 23 a representative for the company at a NCMEC 24 roundtable on the industry's work on child safety? 25 MR. CARTMELL: Objection. Asked and</p>	<p style="text-align: right;">Page 707</p> <p>1 MS. JONES: And I apologize, Mr. Bejar, 2 because I'm just not sure if you answered the 3 question that I asked. 4 So I'm going to move to strike as 5 nonresponsive and ask again. 6 BY MS. JONES: 7 Q. Did you ever participate in Tech Coalition? 8 MR. CARTMELL: Objection. Asked and 9 answered. 10 THE WITNESS: I mean, if you're asking 11 about that version at that point in time, not that I 12 recall. 13 BY MS. JONES: 14 Q. Okay. Do you know what INHOPE is, 15 I-N-H-O-P-E? 16 A. Again, as I said, it really helps me to get 17 some context in some of these things so that I can 18 speak to them. 19 Q. The name is not familiar to you? 20 A. I don't recall right now. 21 Q. Okay. It's an international organization 22 that's focused on child safety issues. 23 Does that ring a bell? 24 A. Yes. 25 Q. Are you familiar with INHOPE?</p>
<p style="text-align: right;">Page 706</p> <p>1 answered. 2 THE WITNESS: I was not. 3 BY MS. JONES: 4 Q. What is the Tech Coalition? 5 A. Again, so some of these proper noun 6 questions, these might be things that I'm familiar 7 with, but I need a little bit of context in order to 8 be able to reply. 9 Q. It's the industry's trade association for 10 combating online sexual exploitation and abuse. 11 Does that -- does that ring a bell for you? 12 A. Yeah, absolutely. Thank you. 13 Q. Okay. Did you ever participate in 14 Tech Coalition? 15 A. I -- as part of a strategy that I set up 16 for the company during my first stint, it was a 17 priority -- and I testified about this before -- to 18 be an active member contributing to cross-company 19 efforts to help identify predators, child porn, any 20 of those areas that were not a competitive issue. 21 That was something that was a priority. I helped 22 set up a lot of those programs. I sponsored them 23 for many years. I always considered it to be 24 central to the mission of the company to participate 25 in those kinds of forums.</p>	<p style="text-align: right;">Page 708</p> <p>1 A. Not very. 2 Q. Okay. And so am I right in thinking that 3 during the course of your time with the company, you 4 never attended any INHOPE meeting or event? 5 A. That's right. 6 Q. During the course of your time with Meta, 7 were you ever a representative to an industry child 8 safety hackathon hosted by the company? 9 A. I think in my first stint, I don't believe 10 that we hosted such hackathons, but we did invite 11 teens to participate and give a lot of feedback as 12 part of the Compassion Research Days. 13 (Stenographer interrupted for clarification 14 of the record.) 15 BY MS. JONES: 16 Q. Do you know what WeProtect is? 17 A. Not off the top of my head. 18 Q. It's an organization that Meta participates 19 in focused on reducing child exploitation online. 20 Does that ring a bell? 21 A. I'm really glad they're doing that. 22 Q. Is it -- are you familiar with the 23 organization? 24 A. Not off the top of my head. 25 Q. Okay. Have you ever, in the course of your</p>

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<p style="text-align: right;">Page 709</p> <p>1 time with the company, been a representative to a 2 WeProtect Global Alliance child safety meeting or 3 event? 4 A. No, I have not been to one of those events 5 that I recall. 6 Q. Okay. Were you ever involved in or leading 7 a safety advisory board meeting as part of the 8 safety policy team's efforts? 9 A. Actually, during my first stint, I was 10 participating, you know -- yes, in my first stint, I 11 was a big part of that. I spent time with 12 representatives from -- from -- oh, I forget. You 13 named the organization, but it was a big part of my 14 first stint. 15 Q. Well -- and in your -- in your second 16 stint, did you have any role with the safety 17 advisory board? 18 A. Oh, it's a safety advisory board. Thank 19 you. 20 No, not in my second stint. 21 Q. And in your second stint, did you have any 22 role as a representative for the company or as part 23 of the company's efforts with respect to these 24 organizations: The Tech Coalition, INHOPE, 25 WeProtect?</p>	<p style="text-align: right;">Page 711</p> <p>1 BY MS. JONES: 2 Q. Okay. 3 A. Sorry. 4 Q. Were you a part of any of the discussions 5 around the decision to have central integrity be 6 part of the growth organization? 7 A. No. But in my first stint, it was very 8 important that those be peer organizations for the 9 company. 10 Q. Understand. 11 And in your first stint, you were leading a 12 team called "protect and care"; right? 13 A. Correct. 14 Q. And eventually protect and care became a 15 part of central integrity; is that right? 16 A. No. That's not right. 17 Q. Okay. Which part of it is not right in 18 your view? 19 A. So the -- the protect and care had 20 different components. 21 One component was the infrastructure that 22 does all of the content classification for the 23 purposes of integrity, and I believe that got moved 24 under the infrastructure team. 25 Then you had the compassion team that was</p>
<p style="text-align: right;">Page 710</p> <p>1 A. During my second stint at the company, I 2 wasn't somebody who was focused on external 3 representations. All of my work was focused 4 internally. 5 Q. And so you were -- I just want to make sure 6 I -- we have an answer for the record. 7 During your second stint at the company, 8 you were not involved in any of those organizations? 9 A. No. 10 Q. Let me ask you to look at Item No. 2 on 11 your demonstrative here, Exhibit No. 10, Mr. Bejar 12 which reads (as read): 13 "Meta's organizational structure 14 creates a conflict in favor of growth, 15 not safety." 16 Is that right? 17 A. Yes. 18 Q. And I think your testimony yesterday on 19 this was that the fact that central integrity is 20 part of the growth structure creates a conflict of 21 interest. 22 Is that what -- am I roughly approximating 23 what you said? 24 A. Yes. 25 MR. CARTMELL: Object to the form.</p>	<p style="text-align: right;">Page 712</p> <p>1 focusing on harmful experiences that were done by 2 people, and I believe that got moved under sort of 3 news feed under Will Cathcart when he was managing 4 that part of the company. 5 And then there was the part of the product 6 side of integrity and the care part, and I believe 7 that's the part that then moved under growth. 8 Q. And did that shifting happen in that period 9 from 2015 to 2019 when you were no longer at the 10 company? 11 A. Yes. 12 Q. Okay. So you would not have been involved 13 in the restructure; is that right? 14 A. That's right. 15 Q. Mr. Bejar, do you know, for Instagram 16 well-being specifically, how much head count was 17 allocated in 2019? 18 A. Oh, I don't recall the specific number. 19 Q. What about for 2020? 20 A. I mean, I think I have a sense of order of 21 magnitude, but I don't recall the specific number. 22 Q. What about for 2021? 23 A. Again, same. I have a sense of order of 24 magnitude but not the specific number. 25 Q. Do you know how much money was spent by the</p>

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<p style="text-align: right;">Page 713</p> <p>1 company on Instagram well-being efforts specifically 2 in 2019?</p> <p>3 A. I don't know the exact amount.</p> <p>4 Q. What about 2020?</p> <p>5 A. I don't know the exact amount.</p> <p>6 Q. Same answer for 2021?</p> <p>7 A. I don't -- yes, I don't know the exact 8 amount.</p> <p>9 Q. Okay. You mentioned Electric Communities 10 and work there that you did on child safety issues, 11 I think was your testimony?</p> <p>12 A. Yes.</p> <p>13 Q. How -- well, do you recall what percent of 14 Electric Communities' users were minors?</p> <p>15 A. So Electric Communities did not end up 16 having a lot of users until it -- it was acquired -- 17 oh, I forget the name. At the end of my tenure, 18 there were other products acquired. But during my 19 first years there, the idea was to build a product 20 that would be safe for everybody based on extensive 21 experience of building a product for kids in the 22 mid-'80s by the founders.</p> <p>23 Q. Sure.</p> <p>24 MS. JONES: And, respectfully, I'm going to 25 move to strike as nonresponsive because I don't</p>	<p style="text-align: right;">Page 715</p> <p>1 think about every aspect of the design of a product.</p> <p>2 Q. Okay. So just so I understand, Electric 3 Communities may not have had users because it didn't 4 have -- it didn't eventually ship a product?</p> <p>5 A. Yeah, that's what I said.</p> <p>6 Q. Okay. And so Electric Communities did not 7 have actual users, whether adults or minors?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. And so the -- to the extent that you 10 had child safety work that you did with that 11 organization, it would have been kind of focused on 12 what you might do if you ever shipped a product; 13 right?</p> <p>14 A. No, that's not accurate.</p> <p>15 Q. Well, what's inaccurate about it?</p> <p>16 A. Because we did build product. We did build 17 features. We did build infrastructure. And 18 security and safety was intrinsic to every aspect of 19 the design of what we did.</p> <p>20 Q. But you didn't have the experience of 21 figuring out whether what you had built would 22 actually work in reducing harm because the company 23 never had any users; is that right?</p> <p>24 A. I did not have the experience from that. I 25 got the experience of that when I went to Yahoo.</p>
<p style="text-align: right;">Page 714</p> <p>1 think that answered my question.</p> <p>2 BY MS. JONES:</p> <p>3 Q. My question was, do you recall what percent 4 of Electric Communities' users were minors at the 5 time that you were working there?</p> <p>6 A. The Electric Communities never managed to 7 shift to a significant user base, so I don't know.</p> <p>8 Q. Were there any who were minors?</p> <p>9 A. Yeah, I believe that there were -- I mean, 10 again, look, this is a start-up whose goal was to be 11 as thoughtful as possible about how you create a 12 safe system; and, in that context, it was me 13 designing a product for kids.</p> <p>14 But as often happens with Silicon Valley 15 start-ups -- as often happens -- thank you. I 16 really appreciate it.</p> <p>17 As often happens for Silicon Valley 18 start-ups, didn't quite manage to ship everything 19 that we were building.</p> <p>20 And, in particular -- so we didn't manage 21 to ship a product for that, but that doesn't mean 22 that in every aspect of the way the product was 23 conceived and implemented that that was a 24 consideration in the way that I talk about 25 integrating safety and security into the way you</p>	<p style="text-align: right;">Page 716</p> <p>1 Q. Okay. You, I think, talked about under 2 this Item No. 2 in your Demonstrative Exhibit 3 No. 10 -- I think you talked about compensation 4 yesterday in terms of that somehow creating or 5 making worse a conflict in favor of growth, not 6 safety.</p> <p>7 Am I recalling that testimony correctly, or 8 did you not say that?</p> <p>9 A. I'm not sure that's how I would frame it, 10 the way you just said it.</p> <p>11 Q. Well, am I in the ballpark in terms of what 12 you said yesterday?</p> <p>13 A. I mean, I think what I say when I talk 14 about those issues is that -- is that your 15 management structure guides sort of the compensation 16 of the things that you do. And so then it can 17 create a conflict of interest in terms of -- if -- 18 if the person that is the top manager for your 19 organization is in charge of growth and has been for 20 years, as Javi was, that then if you put safety 21 underneath that, that that creates a conflict of 22 interest in the case where safety might compete with 23 growth.</p> <p>24 Q. Okay. When you came back to the company 25 from 2019 to 2021, you were not part of the formal</p>

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<p style="text-align: right;">Page 717</p> <p>1 compensation system at Meta; right?</p> <p>2 A. Not when I came back, I was not part of the</p> <p>3 formal compensation system.</p> <p>4 Q. You were being paid by the hour; yes?</p> <p>5 A. I mean, again, sorry to be picky about</p> <p>6 these things, but -- no, I'm not sorry. It's like</p> <p>7 the -- the fact that I was in the role that I was as</p> <p>8 a consultant supporting the team is -- sort of has</p> <p>9 to be connected with the fact that during my first</p> <p>10 stint in the first couple of years, I helped define</p> <p>11 the -- a lot of the foundation for the review cycle</p> <p>12 for engineering at Facebook.</p> <p>13 And so I'm very intimately acquainted with</p> <p>14 the way the review cycle works, how people get</p> <p>15 compensated for work. I participated in calibration</p> <p>16 meetings for many years. And so I have a lot of</p> <p>17 understanding about how those mechanisms for</p> <p>18 compensation work in the company.</p> <p>19 And -- and I helped build Meta's -- or</p> <p>20 particularly Facebook's engineering calibration,</p> <p>21 review compensation cycle, the levels that were used</p> <p>22 to manage people, all of those areas.</p> <p>23 MS. JONES: I'm going to move to strike as</p> <p>24 nonresponsive.</p> <p>25 ///</p>	<p style="text-align: right;">Page 719</p> <p>1 right?</p> <p>2 A. Correct.</p> <p>3 Q. And just because we've had some back and</p> <p>4 forth about what your title was or was not, I'm</p> <p>5 going to ask you to look at the e-mail from someone</p> <p>6 named [REDACTED] on October 23rd, 2019.</p> <p>7 Do you see that?</p> <p>8 A. Yeah, I do.</p> <p>9 Q. And it says "Dear Arturo Bejar."</p> <p>10 That's you; yes?</p> <p>11 A. Yes.</p> <p>12 Q. And can we put this up on the -- I've run</p> <p>13 off and left Mr. Reynolds.</p> <p>14 MS. JONES: Are you good, Chris?</p> <p>15 Give us a second to put this up on the</p> <p>16 screen.</p> <p>17 THE WITNESS: Okay.</p> <p>18 MS. JONES: Okay. Can we go to page 3 of</p> <p>19 that Exhibit No. 69, please?</p> <p>20 BY MS. JONES:</p> <p>21 Q. And we're looking up at that e-mail dated</p> <p>22 October 23rd, time is 2:32 from Ms. [REDACTED] to you.</p> <p>23 Do you see that?</p> <p>24 A. Yeah.</p> <p>25 Q. And it says (as read):</p>
<p style="text-align: right;">Page 718</p> <p>1 BY MS. JONES:</p> <p>2 Q. From 2019 to 2021, were you being paid by</p> <p>3 the hour?</p> <p>4 A. Yes, I was.</p> <p>5 Q. Let me ask you, just so -- since you've</p> <p>6 raised it, and I just want to make sure we're clear</p> <p>7 for the jury's purposes -- let me hand you what</p> <p>8 we've marked as Deposition Exhibit No. 69.</p> <p>9 (Marked for identification purposes, Bejar</p> <p>10 Exhibit 69.)</p> <p>11 BY MS. JONES:</p> <p>12 Q. And, Mr. Bejar, you're welcome to look at</p> <p>13 whatever portion of this exchange that you would</p> <p>14 like to, but I'm going to direct your attention to</p> <p>15 page 3 of 4.</p> <p>16 A. Okay.</p> <p>17 Q. And this is a document -- you can tell by</p> <p>18 looking at the bottom right-hand corner, this is a</p> <p>19 document that you actually produced to us.</p> <p>20 A. Yes.</p> <p>21 Q. Yes?</p> <p>22 And so just to orient ourselves, this is a</p> <p>23 communication, generally speaking, from October of</p> <p>24 2019 where you're having a back-and-forth about your</p> <p>25 reengagement with the company in a consulting role;</p>	<p style="text-align: right;">Page 720</p> <p>1 "Dear Arturo Bejar, welcome and</p> <p>2 congratulations on your new assignment at</p> <p>3 Facebook."</p> <p>4 Right?</p> <p>5 A. Right.</p> <p>6 Q. And it says (as read):</p> <p>7 "We are so excited to have you join</p> <p>8 the PRO Unlimited team! As part of our</p> <p>9 onboarding process, you are required to</p> <p>10 attend Contingent Worker Orientation."</p> <p>11 Right?</p> <p>12 A. Right.</p> <p>13 Q. (As read):</p> <p>14 "PRO Unlimited only offers one per</p> <p>15 week, and you have to attend before you</p> <p>16 start your assignment."</p> <p>17 Right?</p> <p>18 A. Right.</p> <p>19 Q. And if you turn to the next page of that</p> <p>20 same document, down at the bottom there's a section</p> <p>21 called FAQs.</p> <p>22 Do you see that?</p> <p>23 A. Yeah.</p> <p>24 Q. And you understand that to refer to</p> <p>25 frequently asked questions?</p>

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<p style="text-align: right;">Page 721</p> <p>1 A. Yes.</p> <p>2 Q. And we will skip over the Wardrobe section</p> <p>3 of the FAQs and the Transportation section, but then</p> <p>4 there's a reference there to (as read):</p> <p>5 "What is a contingent worker?"</p> <p>6 Do you see that?</p> <p>7 A. Yeah.</p> <p>8 Q. And in terms of your formal engagement with</p> <p>9 the company in 2019, that's what you were, you were</p> <p>10 a contingent worker; yes?</p> <p>11 A. I was a consultant.</p> <p>12 Q. Okay. The words that appear here on the</p> <p>13 document, can we agree, "contingent worker"?</p> <p>14 A. Yes, that's what the document says.</p> <p>15 Q. And it says (as read):</p> <p>16 "What is a contingent worker? Among</p> <p>17 other things, being a contingent worker</p> <p>18 at Facebook means you work for a company</p> <p>19 that partners with Facebook."</p> <p>20 Right?</p> <p>21 A. That's what the e-mail says.</p> <p>22 Q. And (as read):</p> <p>23 "Because of this close partnership,</p> <p>24 you often work on a Facebook campus and</p> <p>25 alongside Facebook employees."</p>	<p style="text-align: right;">Page 723</p> <p>1 testimony yesterday and today; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. So, for example, you mentioned</p> <p>4 Yoav Shapiro; right?</p> <p>5 A. Yes.</p> <p>6 Q. You know Mr. Shapiro?</p> <p>7 A. I do.</p> <p>8 Q. Do you have a good regard for him?</p> <p>9 A. I do.</p> <p>10 Q. You mentioned Dr. [REDACTED]; yes?</p> <p>11 A. Yes.</p> <p>12 Q. You know him?</p> <p>13 A. Yes.</p> <p>14 Q. You have a good regard for him?</p> <p>15 A. I do.</p> <p>16 Q. You have respect for his expertise as a</p> <p>17 scientist and a researcher?</p> <p>18 A. I do.</p> <p>19 Q. Okay. Miki Rothschild.</p> <p>20 You know Mr. Rothschild?</p> <p>21 A. I do.</p> <p>22 Q. You have a good regard for him?</p> <p>23 A. I don't.</p> <p>24 Q. Okay. And -- well, tell me why that is.</p> <p>25 A. Because as the product leader for that area</p>
<p style="text-align: right;">Page 722</p> <p>1 Do you see that?</p> <p>2 A. I do see that.</p> <p>3 Q. Okay. And then if we skip down to the next</p> <p>4 line, it says (as read):</p> <p>5 "Who is PRO Unlimited?"</p> <p>6 Right?</p> <p>7 A. Right.</p> <p>8 Q. It says (as read):</p> <p>9 "Your employer, exclamation part. We</p> <p>10 are also -- exclamation point. We are</p> <p>11 also Facebook's managed service provider,</p> <p>12 so we hire and manage contractors as well</p> <p>13 as on-board and off-board Facebook's</p> <p>14 contingent workers."</p> <p>15 Right?</p> <p>16 A. Right.</p> <p>17 Q. And this is a true and correct copy of this</p> <p>18 e-mail from October of 2019; right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Now --</p> <p>21 MS. JONES: We can take that down.</p> <p>22 BY MS. JONES:</p> <p>23 Q. Mr. Bejar, you understand that you have</p> <p>24 raised the names of a number of folks who worked on</p> <p>25 the Instagram well-being team in the course of your</p>	<p style="text-align: right;">Page 724</p> <p>1 of the company, I think he had a big responsibility</p> <p>2 to help drive these kinds of things that I talked</p> <p>3 about.</p> <p>4 And I felt that Yoav was supportive. But</p> <p>5 when I look at it, I found that Miki Rothschild was</p> <p>6 not -- was -- I mean, even though he expressed</p> <p>7 support and all the way through to what I did,</p> <p>8 the -- at some point you have to ask what stand he</p> <p>9 took with regards to these issues for the team in</p> <p>10 order to drive what was the right work. And I felt</p> <p>11 that Yoav was very good at driving that side of</p> <p>12 things and Miki was less so.</p> <p>13 Q. Understood.</p> <p>14 All the folks we've just talked about,</p> <p>15 Mr. [REDACTED] Dr. [REDACTED] Mr. Rothschild, they were</p> <p>16 full-time employees working on well-being issues on</p> <p>17 Instagram from 2019 to 2021; right?</p> <p>18 A. Yes.</p> <p>19 Q. They were not just working a few hours a</p> <p>20 week; right?</p> <p>21 A. You keep saying that as if it was a bad</p> <p>22 thing.</p> <p>23 Q. I'm not suggesting it was a bad thing.</p> <p>24 A. Okay.</p> <p>25 Q. I'm simply asking.</p>

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<p style="text-align: right;">Page 725</p> <p>1 Do you have an understanding that they were</p> <p>2 full-time employees who were not simply working a</p> <p>3 few hours a week?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And do you have an understanding</p> <p>6 that all of those folks have been deposed in these</p> <p>7 cases?</p> <p>8 A. I wasn't aware of that.</p> <p>9 Q. Okay. Other than the little snippet from</p> <p>10 Dr. [REDACTED] testimony that you were shown yesterday</p> <p>11 by counsel, I take it you have not taken the time to</p> <p>12 actually read their full testimony and know what</p> <p>13 they had to say about these issues and their work as</p> <p>14 full-time employees on the Instagram well-being</p> <p>15 team?</p> <p>16 MR. CARTMELL: Okay.</p> <p>17 BY MS. JONES:</p> <p>18 Q. Is that right?</p> <p>19 MR. CARTMELL: Hold on a second. I want to</p> <p>20 object.</p> <p>21 Sorry. Go ahead. Finish your question.</p> <p>22 And then I'll make my objection.</p> <p>23 BY MS. JONES:</p> <p>24 Q. I think I was -- well, let me say I'm not</p> <p>25 sure if I finished my question before you started</p>	<p style="text-align: right;">Page 727</p> <p>1 personal knowledge, of the information that he is</p> <p>2 entitled to testify. It's Rule -- FRE602</p> <p>3 essentially is what the protective order is talking</p> <p>4 about. We established that foundation. We played</p> <p>5 him that part.</p> <p>6 But your question was insinuating that he</p> <p>7 should have somehow gone out and read the entire</p> <p>8 deposition, which he's not entitled to do.</p> <p>9 MS. JONES: Are you finished?</p> <p>10 MR. CARTMELL: Yes.</p> <p>11 MS. JONES: Okay.</p> <p>12 BY MS. JONES:</p> <p>13 Q. Mr. Bejar, you did not -- the only parts of</p> <p>14 testimony from people who were working full time at</p> <p>15 Instagram from 2019 to 2021 that you have seen in</p> <p>16 the context of this deposition are the parts that</p> <p>17 counsel showed you; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And you -- for whatever the reason might</p> <p>20 have been, you have not reviewed the entirety of the</p> <p>21 testimony of people like [REDACTED] -- [REDACTED]</p> <p>22 excuse me, or Miki Rothschild or Dr. [REDACTED] or</p> <p>23 Adam Mosseri for that matter; right?</p> <p>24 MR. CARTMELL: Same objection. I want the</p> <p>25 record to be clear that counsel is asking a question</p>
<p style="text-align: right;">Page 726</p> <p>1 talking.</p> <p>2 Yes, I finished my question. Go ahead.</p> <p>3 MR. CARTMELL: Okay. I want to record to</p> <p>4 be clear that's an improper question because clearly</p> <p>5 counsel knows that he cannot read the entirety of</p> <p>6 that deposition because it has been marked in a way</p> <p>7 that the protective order provides he cannot read.</p> <p>8 And so to ask him to answer that question is unfair</p> <p>9 and it's inappropriate.</p> <p>10 MS. JONES: Well, then I would want to</p> <p>11 note, for the record, then, you all have probably</p> <p>12 violated the protective order --</p> <p>13 MR. CARTMELL: No, no, no.</p> <p>14 MS. JONES: -- in showing him the</p> <p>15 deposition video. But let's move on.</p> <p>16 MR. CARTMELL: That --</p> <p>17 (Simultaneous speakers - unclear.)</p> <p>18 MR. CARTMELL: Well, hold on. Now, I have</p> <p>19 to respond to that because you know that's not</p> <p>20 appropriate.</p> <p>21 MS. JONES: Well, I know it -- I know it to</p> <p>22 be true.</p> <p>23 (Simultaneous speakers - unclear.)</p> <p>24 MR. CARTMELL: I have to, according to the</p> <p>25 protective order, establish that he has knowledge,</p>	<p style="text-align: right;">Page 728</p> <p>1 insinuating that the witness should be able to read</p> <p>2 depositions that he is not entitled to read</p> <p>3 according to the protective order.</p> <p>4 You can answer.</p> <p>5 BY MS. JONES:</p> <p>6 Q. You can answer.</p> <p>7 A. No.</p> <p>8 Q. Okay. Would you be -- let's start with</p> <p>9 Mr. [REDACTED] who I think you've said you respected</p> <p>10 and -- or had a good regard for; yes?</p> <p>11 A. During the time that we worked together.</p> <p>12 Q. Okay. And would you defer to Mr. [REDACTED]</p> <p>13 views on his assessment of the company's well-being</p> <p>14 work on Instagram during that period from 2019 to</p> <p>15 2021?</p> <p>16 MR. CARTMELL: Object to the form.</p> <p>17 THE WITNESS: No, I would not.</p> <p>18 BY MS. JONES:</p> <p>19 Q. Okay. What about Dr. [REDACTED] Would you</p> <p>20 defer to his views and his expertise as someone with</p> <p>21 a PhD on some of these well-being issues that you've</p> <p>22 talked about in the last day or so?</p> <p>23 MR. CARTMELL: Same objection.</p> <p>24 THE WITNESS: No.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 729</p> <p>1 BY MS. JONES:</p> <p>2 Q. And what -- and I take from it your earlier</p> <p>3 comments that you would not defer to</p> <p>4 Mr. Rothschild's views on what was happening on the</p> <p>5 Instagram well-being team from 2019 to 2021 either?</p> <p>6 MR. CARTMELL: Same objection.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. JONES:</p> <p>9 Q. And that's the case even though they were</p> <p>10 working full time on the team and you were working</p> <p>11 on average three hours a week?</p> <p>12 MR. CARTMELL: Same objection.</p> <p>13 THE WITNESS: Again, I just want to say you</p> <p>14 keep saying "three hours a week," and it just really</p> <p>15 matters how that time is spent. And -- and I think</p> <p>16 that the time was very strategically spent to work</p> <p>17 on these issues. And I think I have a very good</p> <p>18 perspective and I had a very clear picture of what</p> <p>19 my interactions were with them at the time and what</p> <p>20 they told me at the time about these issues.</p> <p>21 BY MS. JONES:</p> <p>22 Q. Do you think -- let me ask the question</p> <p>23 just a slightly different way.</p> <p>24 Do you think you know better than</p> <p>25 Mr. [REDACTED] about what was going on with respect to</p>	<p style="text-align: right;">Page 731</p> <p>1 "no," you're not comfortable saying you know better?</p> <p>2 MR. CARTMELL: Same objection.</p> <p>3 THE WITNESS: Again, I'm saying I think</p> <p>4 I've already answered that question.</p> <p>5 BY MS. JONES:</p> <p>6 Q. I don't think you have.</p> <p>7 When you say you can't -- you don't feel</p> <p>8 comfortable saying "better," does that mean you're</p> <p>9 not comfortable saying that you know more than</p> <p>10 Mr. -- let me ask the question a slightly different</p> <p>11 way.</p> <p>12 A. I mean, I have a lot --</p> <p>13 Q. Excuse me --</p> <p>14 A. Well --</p> <p>15 Q. -- sir.</p> <p>16 MR. WARD: Just wait for a new question.</p> <p>17 THE WITNESS: Sorry. Thank you.</p> <p>18 BY MS. JONES:</p> <p>19 Q. Do you -- to the extent that Mr. [REDACTED]</p> <p>20 recollections and impressions of what was going on</p> <p>21 on the Instagram well-being team from 2019 to 2021</p> <p>22 are different than yours, is it your view that you</p> <p>23 are -- that you're willing to defer to his</p> <p>24 impressions as someone who was working full time in</p> <p>25 a leadership role on that team?</p>
<p style="text-align: right;">Page 730</p> <p>1 the Instagram well-being team from 2019 to 2021?</p> <p>2 MR. CARTMELL: Object to the form.</p> <p>3 THE WITNESS: Yeah. I mean, it -- it --</p> <p>4 that seems -- know better; right? I mean, my -- my</p> <p>5 job has always been to try and see things accurately</p> <p>6 and to be able to represent them, to provide</p> <p>7 feedback, to create awareness, to get support.</p> <p>8 And so the -- framing this as "better" is</p> <p>9 just super weird to me because I'm -- I'm not -- I'm</p> <p>10 just another person, and they're people. And</p> <p>11 there's a -- there's a -- and so I'm not -- I don't</p> <p>12 like -- comfortable with the word "better." I just</p> <p>13 want to be really clear about that because that</p> <p>14 implies some kind of superiority.</p> <p>15 BY MS. JONES:</p> <p>16 Q. Okay. So you are not testifying that you</p> <p>17 know better than [REDACTED] about what was going</p> <p>18 on on the Instagram well-being team from 2019 to</p> <p>19 2021?</p> <p>20 MR. CARTMELL: Same objection.</p> <p>21 THE WITNESS: I think I've already answered</p> <p>22 that question.</p> <p>23 BY MS. JONES:</p> <p>24 Q. I don't think you have.</p> <p>25 Is that a "yes" you do know better or,</p>	<p style="text-align: right;">Page 732</p> <p>1 MR. CARTMELL: Object to the form.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MS. JONES:</p> <p>4 Q. And is the answer the same with respect to</p> <p>5 Dr. [REDACTED]</p> <p>6 MR. CARTMELL: Same objection.</p> <p>7 THE WITNESS: That's correct.</p> <p>8 BY MS. JONES:</p> <p>9 Q. And the answer is the same with respect to</p> <p>10 Miki Rothschild?</p> <p>11 MR. CARTMELL: Same objection.</p> <p>12 THE WITNESS: That's correct.</p> <p>13 BY MS. JONES:</p> <p>14 Q. Okay. About six months into your contract</p> <p>15 with the company, the pandemic started.</p> <p>16 Do you recall that?</p> <p>17 A. How could I not?</p> <p>18 Q. How could you forget?</p> <p>19 And you recall Meta actually closed its</p> <p>20 campus?</p> <p>21 A. Yes.</p> <p>22 Q. In -- at some point in your time as a, call</p> <p>23 it a consultant, call it a contingent worker, but</p> <p>24 between 2019 and 2020, did you have to stop going</p> <p>25 onto Meta's campus because they had closed it due to</p>

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<p style="text-align: right;">Page 733</p> <p>1 the pandemic?</p> <p>2 A. 2020, yes.</p> <p>3 Q. Okay. When did that happen?</p> <p>4 A. I don't recall the date.</p> <p>5 Q. Was it March --</p> <p>6 MS. JONES: I'm sorry. I'm so sorry.</p> <p>7 THE STENOGRAPHER: It's okay.</p> <p>8 MS. JONES: I've been a problem child all</p> <p>9 day. I apologize.</p> <p>10 BY MS. JONES:</p> <p>11 Q. Let me ask the question again.</p> <p>12 A. Yeah.</p> <p>13 Q. Do you recall generally whether it was in</p> <p>14 March of 2020 that you stopped going onto Meta's</p> <p>15 campus?</p> <p>16 A. Yeah, I think that sounds about right.</p> <p>17 Q. And at that point were you then -- whatever</p> <p>18 work you were doing, were you doing it remotely?</p> <p>19 A. Yes.</p> <p>20 Q. And is it your recollection generally</p> <p>21 speaking that the company's offices actually</p> <p>22 remained closed until July of 2021?</p> <p>23 A. Yeah, I think so.</p> <p>24 Q. During your time as a contingent worker</p> <p>25 between 2019 and 2021, did you -- after things shut</p>	<p style="text-align: right;">Page 735</p> <p>1 Q. Now, Mr. Bejar, the first time you and I</p> <p>2 ever met was yesterday; right?</p> <p>3 A. Yes.</p> <p>4 Q. But this deposition, that's not the first</p> <p>5 time you've talked to these lawyers who asked you</p> <p>6 questions for the plaintiffs and the state AGs;</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. You have your own lawyer, Mr. Ward; right?</p> <p>10 A. Yes.</p> <p>11 Q. But these other lawyers, you understand,</p> <p>12 are lawyers who are -- who are bringing suits</p> <p>13 against Meta; right?</p> <p>14 MR. CARTMELL: Object to the form.</p> <p>15 THE WITNESS: As far as I know.</p> <p>16 Sorry. Can you repeat the question?</p> <p>17 BY MS. JONES:</p> <p>18 Q. The other lawyers who have asked you</p> <p>19 questions before I started asking questions,</p> <p>20 Mr. Cartmell and Mr. Phelps, you understand those</p> <p>21 are not your lawyers; right?</p> <p>22 A. No. Let's hope not.</p> <p>23 Q. Right.</p> <p>24 But you understand they represent parties</p> <p>25 and entities that are suing Meta; yes?</p>
<p style="text-align: right;">Page 734</p> <p>1 down in March of 2020, did you ever end up going</p> <p>2 back on campus before your consultant arrangement</p> <p>3 expired?</p> <p>4 A. I don't think I did.</p> <p>5 Q. Okay. So from -- you were there from</p> <p>6 October of 2019 to October of 2020; is that right?</p> <p>7 Sorry. Let me take it back.</p> <p>8 You were there from October of 2019 to</p> <p>9 October of 2021 in a consulting capacity; right?</p> <p>10 A. That's right.</p> <p>11 Q. And during that period from -- starting in</p> <p>12 March of 2020, you were remote; right?</p> <p>13 A. Correct.</p> <p>14 Q. Until the end of your consulting agreement?</p> <p>15 A. Yes, I believe so.</p> <p>16 Q. Okay. So you only had six months or so</p> <p>17 where you were actually in person, on campus?</p> <p>18 A. Yeah. I was actually -- the pandemic was</p> <p>19 fantastic for the work I was doing because in my</p> <p>20 first six months, I had -- you had to coordinate</p> <p>21 meetings for me to be on-site. And that could prove</p> <p>22 to be challenging, so there was a lot of shuffling</p> <p>23 around and I needed help with that.</p> <p>24 But then after that, when anybody needed</p> <p>25 something, I was able to talk to them.</p>	<p style="text-align: right;">Page 736</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And for some of these lawyers, you</p> <p>3 actually have known them for years; right?</p> <p>4 MR. CARTMELL: Object to the form.</p> <p>5 THE WITNESS: Years? I -- I don't think</p> <p>6 that's accurate.</p> <p>7 BY MS. JONES:</p> <p>8 Q. Okay. Well, let me ask you to look at what</p> <p>9 is Deposition Exhibit No. 1.</p> <p>10 MS. JONES: Can we call that up?</p> <p>11 BY MS. JONES:</p> <p>12 Q. This was actually the first exhibit that</p> <p>13 Mr. Cartmell used with you yesterday; yep?</p> <p>14 A. Yes.</p> <p>15 Q. And that's an image of you testifying</p> <p>16 before the United States Congress; right?</p> <p>17 A. Right.</p> <p>18 Q. And so we recognize you.</p> <p>19 Do you recognize anybody else in that</p> <p>20 picture?</p> <p>21 A. I do.</p> <p>22 Q. Yes.</p> <p>23 Oh, down in the bottom left-hand corner,</p> <p>24 who is that?</p> <p>25 A. Him (indicating).</p>

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<p style="text-align: right;">Page 737</p> <p>1 Q. That's Mr. Phelps, Brian Phelps?</p> <p>2 A. Correct.</p> <p>3 Q. Who's a lawyer for the Tennessee Attorney</p> <p>4 General's Office?</p> <p>5 A. Yes.</p> <p>6 MS. JONES: Can we circle Mr. Phelps' face,</p> <p>7 please?</p> <p>8 BY MS. JONES:</p> <p>9 Q. And so you were testifying before Congress</p> <p>10 back in 2023; yes?</p> <p>11 A. 2000- -- yes.</p> <p>12 Q. And so when you said, "I don't think it's</p> <p>13 accurate that I've known these lawyers for years,"</p> <p>14 plural, that was not right; right?</p> <p>15 A. Yeah, that's right. I -- as I said, like,</p> <p>16 I think I turned 53 this year -- sorry, actually</p> <p>17 turned 54. And so these kinds of things, I have to</p> <p>18 put dates down and then do the math in order to be</p> <p>19 able to -- to get them a certain way.</p> <p>20 Q. Okay. So just to go back to my original</p> <p>21 question, you do go back years with some of these</p> <p>22 lawyers who have brought lawsuits against the</p> <p>23 company; right?</p> <p>24 A. Yeah, that's correct.</p> <p>25 Q. Okay. Including Mr. Phelps, who's been</p>	<p style="text-align: right;">Page 739</p> <p>1 questions about that.</p> <p>2 Q. Well, let me just ask the question for you</p> <p>3 directly, Mr. Bejar.</p> <p>4 Isn't it the case that you all talked, at</p> <p>5 least to some extent, about what was going to happen</p> <p>6 at your deposition?</p> <p>7 A. I mean, we talked for around -- I think</p> <p>8 around between 10 and 20 hours. I didn't keep track</p> <p>9 of how much. The experience was very similar to</p> <p>10 what I did with Meta counsel before I did the FTC</p> <p>11 deposition. And so that seemed to me kind of like</p> <p>12 equivalent.</p> <p>13 Q. Do you know that we -- we, Meta counsel,</p> <p>14 asked for a chance to talk to you before your</p> <p>15 deposition and never heard back one way or the</p> <p>16 other? Did you know that?</p> <p>17 A. No, I don't -- I don't recall that.</p> <p>18 Q. And just so the jury understands, in the</p> <p>19 meantime, you spent 10 to 20 hours with the lawyers</p> <p>20 who have been asking you questions for the last</p> <p>21 two days, Mr. Phelps and Mr. Cartmell?</p> <p>22 MR. CARTMELL: Object to the form.</p> <p>23 Mischaracterization.</p> <p>24 THE WITNESS: Can you repeat the question,</p> <p>25 please?</p>
<p style="text-align: right;">Page 738</p> <p>1 here for the last two days; right? Yes?</p> <p>2 A. Yes.</p> <p>3 Q. And who asked you questions earlier today;</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. And I think Mr. Cartmell acknowledged right</p> <p>7 up front that you met with these lawyers before your</p> <p>8 deposition; right?</p> <p>9 A. Yes.</p> <p>10 Q. And part of the reason for those meetings</p> <p>11 was you all were going to talk about what you were</p> <p>12 going to be asked about at your deposition; right?</p> <p>13 MR. CARTMELL: Object to the form.</p> <p>14 THE WITNESS: No.</p> <p>15 BY MS. JONES:</p> <p>16 Q. You all didn't talk at all about what was</p> <p>17 going to happen at your deposition?</p> <p>18 A. I was -- we talked about -- they wanted to</p> <p>19 understand how some of these things worked.</p> <p>20 Q. What does some -- what does "how some of</p> <p>21 these things worked" mean?</p> <p>22 A. It means that -- what I've been doing in</p> <p>23 every context that I've been participating in is to</p> <p>24 explain how social media companies work in this --</p> <p>25 in the context of safety and -- and so there were</p>	<p style="text-align: right;">Page 740</p> <p>1 BY MS. JONES:</p> <p>2 Q. Sure.</p> <p>3 In the meantime, as you -- we did not have</p> <p>4 a chance to speak with you, you spent 10 to 20 hours</p> <p>5 meeting with the lawyers who have been asking you</p> <p>6 questions for the last two days; right?</p> <p>7 A. Right. Yeah.</p> <p>8 Q. Okay. And --</p> <p>9 A. As I did with Meta lawyers when I prepared</p> <p>10 for the FTC deposition.</p> <p>11 Q. Well, you know this is not the FTC case;</p> <p>12 right?</p> <p>13 A. I know. I just wanted to say that this</p> <p>14 process that I've been through to get here was very</p> <p>15 similar when I met with Meta lawyers in my</p> <p>16 preparation for the FTC.</p> <p>17 So it was -- it was kind of similar</p> <p>18 meetings where I was kind of helping -- you know,</p> <p>19 they were similar meetings.</p> <p>20 Q. Well, I want to be clear about what the</p> <p>21 meetings were in connection with this deposition.</p> <p>22 You and I had not met before yesterday;</p> <p>23 right?</p> <p>24 A. No, we have not.</p> <p>25 Q. And for sure we did not meet for --</p>

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<p style="text-align: right;">Page 741</p> <p>1 A. Slow down.</p> <p>2 MS. JONES: Do you want -- do we need a</p> <p>3 break? I saw you shaking your hand out.</p> <p>4 THE STENOGRAPHER: Just slow it down just a</p> <p>5 little.</p> <p>6 MS. JONES: Yeah.</p> <p>7 BY MS. JONES:</p> <p>8 Q. You --</p> <p>9 A. Yeah. I think actually a break would be</p> <p>10 kind of good.</p> <p>11 Q. Well, let me --</p> <p>12 A. I'm getting -- I'm getting hot.</p> <p>13 Q. Okay. Can I ask just one more question,</p> <p>14 and then we'll finish?</p> <p>15 A. Yes.</p> <p>16 Q. We'll not -- we won't finish, but we'll</p> <p>17 give you a break.</p> <p>18 You and I did not spend 10 to 20 hours</p> <p>19 talking about your deposition; right?</p> <p>20 A. We did not. But I'm always open to meet</p> <p>21 with Meta, and that's always been up front about</p> <p>22 that --</p> <p>23 Q. Okay.</p> <p>24 A. -- or Meta representatives.</p> <p>25 MS. JONES: Why don't we take a break.</p>	<p style="text-align: right;">Page 743</p> <p>1 A. At -- at times.</p> <p>2 Q. I'm not sure what you mean by "at times."</p> <p>3 A. Oh, it's just different people would be</p> <p>4 present. And so it just varied. I didn't keep</p> <p>5 track of any of that.</p> <p>6 Q. Okay. But within the 10 to 20 hours, both</p> <p>7 Mr. Cartmell and Mr. Phelps would have been in some</p> <p>8 of those meetings or calls or whatever they were?</p> <p>9 A. Yeah, that's correct.</p> <p>10 Q. Okay. Do you have a rough sense of how</p> <p>11 many other lawyers participated in these various</p> <p>12 discussions?</p> <p>13 A. No, not really. The way I set up Zoom is</p> <p>14 that I can see the person that's talking which helps</p> <p>15 me focus.</p> <p>16 Q. Yeah.</p> <p>17 And were all of the conversations by Zoom?</p> <p>18 A. Either, I think, Zoom -- did we do Teams?</p> <p>19 I don't remember if we used Teams as well.</p> <p>20 Q. Let me ask the question in a better way.</p> <p>21 Were any of the meetings in person?</p> <p>22 A. No.</p> <p>23 Q. So they were all by some remote means,</p> <p>24 whether it was Zoom or Teams or some other platform?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 742</p> <p>1 THE VIDEOGRAPHER: The time is 6:41. We're</p> <p>2 off the record.</p> <p>3 (Recess taken from 6:41 to 6:57.)</p> <p>4 THE VIDEOGRAPHER: The time is 6:57. We're</p> <p>5 back on the record.</p> <p>6 BY MS. JONES:</p> <p>7 Q. Mr. Bejar, you testified earlier that in --</p> <p>8 in advance of your deposition this week, you spent</p> <p>9 10 to 20 hours with counsel for the parties suing</p> <p>10 Meta.</p> <p>11 Who were the specific lawyers that you met</p> <p>12 with?</p> <p>13 A. I don't have a complete list of that.</p> <p>14 Q. Was Tom -- was Mr. Cartmell one of the</p> <p>15 people you met with?</p> <p>16 A. Yes.</p> <p>17 Q. And he was the one who asked you questions</p> <p>18 for about a day and almost a half?</p> <p>19 A. Are you referring to, like, yesterday and</p> <p>20 today?</p> <p>21 Q. Yes.</p> <p>22 A. Yes.</p> <p>23 Q. Yes.</p> <p>24 And was Mr. Phelps one of the people that</p> <p>25 you met with in -- as part of this 10 to 20 hours?</p>	<p style="text-align: right;">Page 744</p> <p>1 Q. Okay. And when was the first of these</p> <p>2 calls?</p> <p>3 A. I don't recall the specific date.</p> <p>4 Q. Was it within the last month?</p> <p>5 A. Yeah, I think so.</p> <p>6 Q. The first of -- let me make sure I</p> <p>7 understand.</p> <p>8 The first of these calls was within the</p> <p>9 last month?</p> <p>10 A. Yeah, I think so.</p> <p>11 Q. Okay. And so there were none before</p> <p>12 March 1st?</p> <p>13 A. No, I don't think so.</p> <p>14 Q. So in the course of about a month, you had</p> <p>15 10 to 20 hours with various different sets of</p> <p>16 lawyers?</p> <p>17 A. Yeah.</p> <p>18 Q. Did counsel show you documents in those</p> <p>19 discussions?</p> <p>20 A. Yeah. We, for example, looked at some of</p> <p>21 the videos that I had produced and sort of talked</p> <p>22 through those.</p> <p>23 Q. And so did you know before you got here for</p> <p>24 your deposition yesterday that all those videos</p> <p>25 we've now watched together, that that was going to</p>

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<p style="text-align: right;">Page 745</p> <p>1 be part of what you were shown at your deposition?</p> <p>2 A. No, I did not know that. I just submitted</p> <p>3 them as being -- the subpoena -- as part of the</p> <p>4 research that I had done.</p> <p>5 Q. Okay. What -- and you said -- you talked</p> <p>6 about videos.</p> <p>7 What about documents? Did you talk about</p> <p>8 documents with the lawyers during these 10 to</p> <p>9 20 hours in the last month?</p> <p>10 A. Yeah. I explained things like BEEF, for</p> <p>11 example.</p> <p>12 Q. Do you know roughly how many documents you</p> <p>13 looked at?</p> <p>14 A. Oh, no idea.</p> <p>15 Q. And was it the lawyers showing you</p> <p>16 documents, or were you showing the lawyers</p> <p>17 documents?</p> <p>18 A. There was somebody, you know, putting</p> <p>19 somebody on the screen when we talked about it, but</p> <p>20 I don't recall who it was, who was in charge of</p> <p>21 putting the documents up.</p> <p>22 Q. So the lawyers were showing you documents?</p> <p>23 A. Yeah, I think so.</p> <p>24 Q. And you --</p> <p>25 A. That's a pretty vague question. But, yeah.</p>	<p style="text-align: right;">Page 747</p> <p>1 week or so.</p> <p>2 Q. So within the last week you created</p> <p>3 Deposition Exhibit No. 10; is that right?</p> <p>4 A. Yeah, which encapsulates a lifetime of</p> <p>5 experience and then my journey, in particular, with</p> <p>6 regards to these topics with Instagram.</p> <p>7 Q. Sure.</p> <p>8 MS. JONES: And I'm going to move to strike</p> <p>9 everything after the word, "Yeah."</p> <p>10 BY MS. JONES:</p> <p>11 Q. And did you create Deposition Exhibit</p> <p>12 No. 10 for the purpose of your deposition?</p> <p>13 A. It helped me organize my thinking around</p> <p>14 these issues. So, yeah.</p> <p>15 Q. Did you do it at the request of any of the</p> <p>16 lawyers?</p> <p>17 A. No.</p> <p>18 Q. Did you tell the lawyers in advance that</p> <p>19 you had created this document?</p> <p>20 A. No.</p> <p>21 Q. Well, how -- let me ask you this: You</p> <p>22 recall yesterday --</p> <p>23 A. Yeah.</p> <p>24 Q. -- Mr. Cartmell, when he was asking you</p> <p>25 questions --</p>
<p style="text-align: right;">Page 746</p> <p>1 Q. No. Fair enough.</p> <p>2 And you -- you've said you don't remember</p> <p>3 the number of documents that you talked about with</p> <p>4 the lawyers, but was it in the -- was it more or</p> <p>5 less than 20?</p> <p>6 A. I don't recall. I ...</p> <p>7 Q. Was it more or less --</p> <p>8 MS. JONES: Bless you.</p> <p>9 BY MS. JONES:</p> <p>10 Q. Was it more or less than 50?</p> <p>11 A. I don't recall the number again.</p> <p>12 Q. Okay. And I actually want to --</p> <p>13 MS. JONES: Can we go back to Exhibit --</p> <p>14 Deposition Exhibit No. 10, please?</p> <p>15 BY MS. JONES:</p> <p>16 Q. So this was the document that counsel</p> <p>17 showed you yesterday and that you talked through</p> <p>18 with counsel; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Now, you had seen this document before you</p> <p>21 got to your deposition yesterday; is that right?</p> <p>22 A. I authored this document.</p> <p>23 Q. Okay. When did you write this document?</p> <p>24 A. I think the specific portion of this must</p> <p>25 have been in -- in the last -- I would say around a</p>	<p style="text-align: right;">Page 748</p> <p>1 A. Yeah.</p> <p>2 Q. -- he was the one who -- he had a copy of</p> <p>3 the document; right?</p> <p>4 A. Yeah; correct.</p> <p>5 Q. How did he get a copy of this document?</p> <p>6 A. I provided the clip -- text to Mike.</p> <p>7 Q. Okay. And by "Mike," you mean Mr. Ward?</p> <p>8 A. Mike Ward, yeah, my counsel.</p> <p>9 Q. Okay. Do you know whether the lawyers for</p> <p>10 Meta got a copy of that document before your</p> <p>11 deposition?</p> <p>12 A. I don't.</p> <p>13 Q. Did you anticipate that you were going to</p> <p>14 see Deposition Exhibit No. 10 at your deposition?</p> <p>15 A. I anticipated that we were going to touch</p> <p>16 on all these topics and that my language might come</p> <p>17 up.</p> <p>18 Q. Well -- and my question -- I'm not -- your</p> <p>19 answer may have been a little orthogonal, to use a</p> <p>20 Meta word, from my actual question.</p> <p>21 My question was, did you anticipate that</p> <p>22 you were going to see Deposition Exhibit No. 10 at</p> <p>23 your deposition?</p> <p>24 A. I would assume that anything that I</p> <p>25 provided Mike to be provided, like the videos or</p>

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1 STENOGRAPHER'S CERTIFICATE
2 I, LORRIE L. MARCHANT, Certified Shorthand
3 Reporter, Certificate No. 10523, for the State of
4 California, hereby certify that ARTURO BEJAR was by
5 me duly sworn/affirmed to testify to the truth, the
6 whole truth and nothing but the truth in the
7 within-entitled cause; that said deposition was
8 taken at the time and place herein named; that the
9 deposition is a true record of the witness's
10 testimony as reported to the best of my ability by
11 me, a duly certified shorthand reporter and a
12 disinterested person, and was thereafter transcribed
13 under my direction into typewriting by computer;
14 that request [] was [X] was not made to read and
15 correct said deposition.
16 I further certify that I am not interested
17 in the outcome of said action, nor connected with,
18 nor related to any of the parties in said action,
19 nor to their respective counsel.
20 IN WITNESS WHEREOF, I have hereunto set my
21 hand this 10th day of April, 2025.
22
23 
24
25

LORRIE L. MARCHANT, RMR, CRR, CCRR, CRC
Stenographic Certified Shorthand Reporter #10523

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under
the laws of the State of California that the
foregoing is true and correct.

Executed at _____ on _____.
(Place) (Date)

ARTURO BEJAR

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA)
ADOLESCENT ADDICTION/)
PERSONAL INJURY PRODUCTS) MDL No. 3047
LIABILITY LITIGATION)

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE
COUNTY OF LOS ANGELES - SPRING STREET COURTHOUSE

COORDINATION PROCEEDING)
SPECIAL TITLE [RULE 3.400])
SOCIAL MEDIA CASES) Lead Case No.
22STCV21355

This Document Relates To)
STATE OF TENNESSEE, ex rel.)
JONATHAN SKRMETTI,)
ATTORNEY GENERAL and)
REPORTER,)
v.)
META PLATFORMS, INC., and)
INSTAGRAM, LLC.)

CONFIDENTIAL - ATTORNEYS' EYES ONLY
PURSUANT TO PROTECTIVE ORDER
VOLUME 3

VIDEO-RECORDED
DEPOSITION OF ARTURO BEJAR
(Pages 752 - 1207)

Held at Baker Botts
1001 Page Mill Road, Palo Alto, California
Wednesday, April 9, 2025, 8:37 a.m.

- - - -

REPORTED BY: ELAINA BULDA-JONES, CSR 11720

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<p style="text-align: right;">Page 757</p> <p>1 For State of California:</p> <p>2 BY: MEGAN O'NEILL, ESQ. (VIA ZOOM)</p> <p>3 California Department of Justice</p> <p>4 Office of the Attorney General</p> <p>5 455 Golden Gate Avenue, Suite 11000</p> <p>6 San Francisco, California 94102-7004</p> <p>7 415.510.4400</p> <p>8</p> <p>9 Also present:</p> <p>10 Hayley Chang, Meta (VIA ZOOM)</p> <p>11 Holly Tambling, Meta (VIA ZOOM)</p> <p>12 Tyler Smith, Meta</p> <p>13 Jim Lopez, trial tech</p> <p>14 Chris Reynolds, trial tech</p> <p>15 James Vonwiegen, videographer</p> <p>16 Tara Lamer (VIA ZOOM)</p> <p>17 Nicole Lopez (VIA ZOOM)</p> <p>18 Steven Kaufmann</p> <p>19 Paige Boldt</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 759</p> <p>1 Bejar E-mail, 1014, 2021, To: [REDACTED] 965</p> <p>2 Exhibit 75 [REDACTED] From: Arturo Bejar,</p> <p>3 Subject: Fwd: Pre-Read for Our</p> <p>4 Conversation Tomorrow,</p> <p>5 META3047MDL-006-00000194</p> <p>6 Bejar Roblox is 'Hunting Ground for 967</p> <p>7 Exhibit 76 Child Sex Predators,' New</p> <p>8 Lawsuit Claims, Feb 21, 2025</p> <p>9 Bejar Chat, BEJAR002535 1071</p> <p>10 Exhibit 77</p> <p>11</p> <p>12 Bejar E-mail, 11/8/23, To: Arturo 1073</p> <p>13 Exhibit 78 Bejar, From: Linda Singer,</p> <p>14 Subject: Request for</p> <p>15 Meeting/New Mexico Attorney</p> <p>16 General, BEJAR0024460</p> <p>17</p> <p>18 Bejar E-mail, 11/13/23, To: Arturo 1073</p> <p>19 Exhibit 79 Bejar, From: Linda Singer,</p> <p>20 Subject: Civil Investigative</p> <p>21 Demand, BEJAR002464</p> <p>22 Bejar Letter, November 12, 2023, To: 1077</p> <p>23 Exhibit 80 Arturo Bejar, From: Linda</p> <p>24 Singer, Re: Motley Rice New</p> <p>25 Mexico Social Media</p> <p>26 Litigation, BEJAR0002687</p> <p>27 Bejar E-mail, 9/19/19, To: Arturo 1108</p> <p>28 Exhibit 81 Bejar, From: [REDACTED],</p> <p>29 Subject: URGENT PRO</p> <p>30 Unlimited@Facebook - Position</p> <p>31 Offer, BEJAR0000051</p> <p>32 Bejar Notes for Bad Experiences 1124</p> <p>33 Exhibit 82 Meeting with Adam</p> <p>34</p> <p>35 Bejar E-mail, 107/2021, To: [REDACTED] 1129</p> <p>36 Exhibit 83 [REDACTED] et al., From: Arturo</p> <p>37 Bejar, Subject: Gap in our</p> <p>38 Understanding of Harm and Bad</p> <p>39 Experiences,</p> <p>40 META3047MDL-014-00014804</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p>
<p style="text-align: right;">Page 758</p> <p>1 INDEX OF EXAMINATIONS</p> <p>2</p> <p>3 EXAMINATIONS PAGE</p> <p>4 MS. JONES 762</p> <p>5 MR. CARTMELL 1092</p> <p>6 MR. PHELPS 1147</p> <p>7 MS. JONES 1163</p> <p>8 MR. WARD 1191</p> <p>9 MR. PHELPS 1196</p> <p>10</p> <p>11</p> <p>12</p> <p>13 INDEX OF EXHIBITS</p> <p>14 NO. DESCRIPTION PAGE</p> <p>15 Bejar Demonstrative 1060</p> <p>16 Exhibit 70</p> <p>17 Bejar Senior Mag 2023: Rallying and 923</p> <p>18 Exhibit 71 Restoring: [REDACTED] Pursues</p> <p>19 Interest in Automotive</p> <p>20 Restoration</p> <p>21 Bejar Photograph 923</p> <p>22 Exhibit 72</p> <p>23 Bejar Photograph 923</p> <p>24 Exhibit 73</p> <p>25 Bejar Demonstrative 960</p> <p>26 Exhibit 74</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p>	<p style="text-align: right;">Page 760</p> <p>1 Bejar Written Testimony of Arturo 1137</p> <p>2 Exhibit 84 Bejar Before the Subcommittee</p> <p>3 on Privacy, Technology, and</p> <p>4 the Law, November 7, 2023</p> <p>5</p> <p>6 Bejar Internal Instagram and 1172</p> <p>7 Exhibit 85 Facebook Documents</p> <p>8 Bejar Molly Russell timeline 1203</p> <p>9 Exhibit 86</p> <p>10</p> <p>11 Bejar Excerpts from the transcript 1203</p> <p>12 Exhibit 87 of Arturo Bejar, February 2,</p> <p>13 2023</p> <p>14</p> <p>15 Bejar Excerpts from the transcript 1203</p> <p>16 Exhibit 88 of Arturo Bejar, May 16, 2023</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 REFERENCED EXHIBITS</p> <p>2 PAGE LINE</p> <p>3 Meta-Bejar Exhibit 68..... 789 15</p> <p>4 Meta-Bejar Exhibit 8..... 823 10</p> <p>5 Meta-Bejar Exhibit 49..... 880 14</p> <p>6 Meta-Bejar Exhibit 12..... 992 16</p> <p>7 Meta-Bejar Exhibit 54..... 1045 17</p> <p>8 Meta-Bejar Exhibit 9..... 1049 22</p> <p>9 Meta-Bejar Exhibit 21..... 1057 4</p> <p>10 Meta-Bejar Exhibit 43..... 1116 1</p> <p>11 Meta-Bejar Exhibit 15..... 1155 13</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 by counsel for the plaintiffs that at various points</p> <p>2 they referred to you having 30 years of child safety</p> <p>3 experience?</p> <p>4 A. Yes.</p> <p>5 Q. Is this -- and I just want to make sure</p> <p>6 because I went to make sure the jury understands and</p> <p>7 also that we have our math right.</p> <p>8 Is that a true statement, that you have</p> <p>9 30 years of child safety experience?</p> <p>10 A. I have 30 years of experience on working</p> <p>11 on products that are designed with child safety</p> <p>12 considerations in mind.</p> <p>13 Q. Okay. And I want to make sure that I'm</p> <p>14 clear on the answer to my question.</p> <p>15 Is it true that you, Arturo Bejar, have</p> <p>16 30 years of child safety experience?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And to get to that 30 years that</p> <p>19 you've referred to, you are going back to your role</p> <p>20 at a company called Electric Communities; is that</p> <p>21 right?</p> <p>22 A. Correct.</p> <p>23 Q. And I'm going to write that on the sheet</p> <p>24 here.</p> <p>25 And you started at elec- -- I wrote</p>
Page 762	Page 764
<p>1 THE VIDEOGRAPHER: We're now on the</p> <p>2 record. The time is 8:37 a.m.</p> <p>3 This is the continuation of Arturo Bejar's</p> <p>4 deposition.</p> <p>5 The court reporter is Elaina Bulda-Jones.</p> <p>6 And we're going on the record.</p> <p>7 EXAMINATION</p> <p>8 BY MS. JONES:</p> <p>9 Q. Mr. Bejar, good morning.</p> <p>10 A. Good morning.</p> <p>11 Q. It's nice to see you again.</p> <p>12 You understand you're still under oath as</p> <p>13 you were yesterday and the day before that, yes?</p> <p>14 A. Yes, I do.</p> <p>15 Q. Okay. I want to come back to something</p> <p>16 that I think the jury heard a number of times during</p> <p>17 the course of your testimony in the first day and a</p> <p>18 half or so.</p> <p>19 And I'm going to put this -- can I have</p> <p>20 the Elmo, please -- up on the Elmo that we have</p> <p>21 here.</p> <p>22 You see it says 30 years of child safety</p> <p>23 experience?</p> <p>24 A. Yes, I see.</p> <p>25 Q. And do you recall during the examination</p>	<p>1 "electronic." Excuse me.</p> <p>2 A. That's not right.</p> <p>3 Q. Electric Communities, right?</p> <p>4 A. Yes.</p> <p>5 Q. And actually, let me start with a fresh --</p> <p>6 so we have a...</p> <p>7 30 years of child safety experience.</p> <p>8 That was your testimony, right?</p> <p>9 A. Yes.</p> <p>10 Q. And you are starting that 30 years with</p> <p>11 your time at a company called Electric Communities,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. And you were at Electric Communities from</p> <p>15 1995 to 1998; is that right?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And so that's three years, yes?</p> <p>18 A. Yes.</p> <p>19 Q. And I think what you told us yesterday was</p> <p>20 that Electric Communities was a startup that never</p> <p>21 actually had a product that it put into the market,</p> <p>22 correct?</p> <p>23 A. That's correct.</p> <p>24 Q. So Electric Communities never had any</p> <p>25 users, whether adults or children, right?</p>

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<p style="text-align: right;">Page 765</p> <p>1 A. That's correct.</p> <p>2 Q. And then you went from Electric</p> <p>3 Communities to Yahoo!; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. And I confess I didn't look this up.</p> <p>6 Does Yahoo! have an exclamation point at</p> <p>7 the end of it?</p> <p>8 A. It does, yes.</p> <p>9 Q. Okay. Let me be accurate with that.</p> <p>10 You went to Yahoo! and you started there</p> <p>11 in 1998; is that right?</p> <p>12 A. Correct.</p> <p>13 Q. And you were there until 2009?</p> <p>14 A. Correct.</p> <p>15 Q. And that's roughly 11 years; is that</p> <p>16 right?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. And during your time at Yahoo! your</p> <p>19 work was primarily focused on security,</p> <p>20 anti-phishing, and web authentication?</p> <p>21 A. No, that's not accurate.</p> <p>22 Q. Okay. How would you describe what you</p> <p>23 were doing at Yahoo!?</p> <p>24 A. All aspects relating to sort of product</p> <p>25 security and safety.</p>	<p style="text-align: right;">Page 767</p> <p>1 A. Correct.</p> <p>2 Q. And none of those topics are --</p> <p>3 specifically are uniquely focused on child safety,</p> <p>4 are they?</p> <p>5 A. I mean, that's not a complete list of the</p> <p>6 things that I worked on when I was at Yahoo! and so</p> <p>7 those topics do play a role in terms of ensuring</p> <p>8 that the systems are resilient when people try to</p> <p>9 abuse them, which does have a -- some of an impact.</p> <p>10 But then, for example, in my first few</p> <p>11 months at the company, there were bugs with chat</p> <p>12 rooms that were used by children. And I had to fix</p> <p>13 those bugs. And I believe that my first encounter</p> <p>14 with issues affecting children at Yahoo! was within</p> <p>15 probably the first one or two months after I started</p> <p>16 working there.</p> <p>17 Q. Okay. Well, let's just talk about the</p> <p>18 specific things that I raised.</p> <p>19 You worked on encryption code, yes?</p> <p>20 A. Yes, that's one of the things I worked on.</p> <p>21 Q. Okay. And credit card storage, right?</p> <p>22 A. Correct.</p> <p>23 Q. And can we agree that credit card storage</p> <p>24 is not an issue related to child safety?</p> <p>25 A. Actually, the part of the work around</p>
<p style="text-align: right;">Page 766</p> <p>1 (Whereupon, a brief discussion off the</p> <p>2 record.)</p> <p>3 BY MS. JONES:</p> <p>4 Q. Thank you. They took my documents away</p> <p>5 from me without my knowledge.</p> <p>6 A. It's hard when that happens.</p> <p>7 Q. Excuse me.</p> <p>8 So while you were at Yahoo! you said that</p> <p>9 you were involved in all aspects relating to sort of</p> <p>10 security and safety; is that what you just said?</p> <p>11 A. For the products that Yahoo! put into the</p> <p>12 market.</p> <p>13 Q. Okay. Understood.</p> <p>14 And that included, for example, at least</p> <p>15 at the first part of your time at the company when</p> <p>16 you were initially hired, that involved things like</p> <p>17 encryption code; is that right?</p> <p>18 A. Correct.</p> <p>19 Q. And involved things like credit card</p> <p>20 storage, right?</p> <p>21 A. Correct.</p> <p>22 Q. That involved things like authentication</p> <p>23 systems, right?</p> <p>24 A. Correct.</p> <p>25 Q. That involved things like cookies, right?</p>	<p style="text-align: right;">Page 768</p> <p>1 credit card storage was when COPPA came out, when</p> <p>2 there was reason to believe that somebody was a</p> <p>3 minor, you had to have some way of verifying the</p> <p>4 parents.</p> <p>5 And as part of that, one of the things</p> <p>6 that my team implemented was the credit card</p> <p>7 collection from the parents to verify that it was a</p> <p>8 parent or the parent sort of authenticating that --</p> <p>9 the child account. So that was one of the, I</p> <p>10 believe, earliest efforts in the industry when it</p> <p>11 came to child account verification.</p> <p>12 Q. Okay. Let me go back to my question and</p> <p>13 maybe let me ask it a slightly different and perhaps</p> <p>14 better way.</p> <p>15 Credit card storage is not specifically</p> <p>16 about child safety, is it?</p> <p>17 A. That's correct.</p> <p>18 Q. And these other topics that we've been</p> <p>19 talking about, encryption code, authentication</p> <p>20 systems, cookies, those are not specifically or</p> <p>21 uniquely about child safety, right?</p> <p>22 A. Not uniquely, no.</p> <p>23 Q. Okay. And you eventually, while you were</p> <p>24 at Yahoo!, became the equivalent of the chief</p> <p>25 security officer there, right?</p>

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<p style="text-align: right;">Page 769</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And while you were in the position</p> <p>3 of the equivalent of chief security officer, did you</p> <p>4 have any responsibility -- let me ask it in a</p> <p>5 different way.</p> <p>6 While you were in the position of being</p> <p>7 the equivalent of the chief security officer, you</p> <p>8 were not responsible for building systems focused on</p> <p>9 integrity or trust issues, were you?</p> <p>10 A. I was responsible to ensure that those</p> <p>11 systems were built and that they performed as they</p> <p>12 were prescribed. And so at that point the team that</p> <p>13 I was managing worked with the team that built all</p> <p>14 of the integrity systems, all of the login systems.</p> <p>15 One of the areas that I dealt with from</p> <p>16 early in my tenure at Yahoo! was grooming. And so</p> <p>17 we worked with Yahoo Mail. Yahoo! at the time had</p> <p>18 probably, like, 20 or 30 products. And I was</p> <p>19 managing the central team that was responsible for</p> <p>20 those 20 or 30 products being implemented in a form</p> <p>21 that's secure and safe.</p> <p>22 Q. Let me go back. I just want to make sure</p> <p>23 I have an answer to my question.</p> <p>24 While you were in the position of the</p> <p>25 equivalent of being the chief security officer at</p>	<p style="text-align: right;">Page 771</p> <p>1 A. Right.</p> <p>2 Q. And when you were deposed in that matter,</p> <p>3 you were under oath, right?</p> <p>4 A. Right.</p> <p>5 Q. You took an oath, just as you did before</p> <p>6 we started this deposition, to tell the truth, the</p> <p>7 whole truth, nothing but the truth, right?</p> <p>8 A. Right.</p> <p>9 Q. And did you do that?</p> <p>10 A. To the best of my ability.</p> <p>11 Q. Okay.</p> <p>12 MR. PHELPS: Hey, Phyllis, can I just jump</p> <p>13 in and object on this. I'm not sure that this has</p> <p>14 been produced to the state agencies that are</p> <p>15 participating in this. I don't know. We could</p> <p>16 verify that, but I don't know that it is. So far as</p> <p>17 that's true, I just would ask for a running</p> <p>18 objection.</p> <p>19 MS. JONES: You're certainly welcome to</p> <p>20 have a running objection. We recently produced it</p> <p>21 to the MDL plaintiffs at their request. We have a</p> <p>22 copy if you want a copy.</p> <p>23 MR. PHELPS: So you're not --</p> <p>24 MS. JONES: But your objection is noted.</p> <p>25 MR. PHELPS: But you're not sure that you</p>
<p style="text-align: right;">Page 770</p> <p>1 Yahoo! you were not responsible for building systems</p> <p>2 focused on integrity or trust issues, correct?</p> <p>3 MR. CARTMELL: Objection. Asked and</p> <p>4 answered.</p> <p>5 THE WITNESS: I believe I've already</p> <p>6 answered the question.</p> <p>7 I was responsible for ensuring that those</p> <p>8 systems were built, that they performed well, the</p> <p>9 testing of them, and make sure that there were</p> <p>10 presentations that the company made about them were</p> <p>11 accurate.</p> <p>12 BY MS. JONES:</p> <p>13 Q. Do you remember being asked essentially</p> <p>14 that same question when you were deposed in the FTC</p> <p>15 antitrust matter?</p> <p>16 A. I don't recall.</p> <p>17 Q. Okay. Well, let me hand you a copy of</p> <p>18 your transcript from that testimony.</p> <p>19 Mr. Bejar, we have handed you a copy of</p> <p>20 your sworn testimony of February 2nd, 2023.</p> <p>21 Do you see that on the front of the page?</p> <p>22 A. I do.</p> <p>23 Q. And you can see that this is your video</p> <p>24 deposition testimony from the FTC versus Meta</p> <p>25 Platforms action, right?</p>	<p style="text-align: right;">Page 772</p> <p>1 produced it to the States?</p> <p>2 MS. JONES: I'm not sure that -- and to be</p> <p>3 fully transparent, I'm not sure to what extent we</p> <p>4 got a comparable request from any of the States but</p> <p>5 we got a specific request from the MDL plaintiffs</p> <p>6 for the transcript and exhibits, which we have</p> <p>7 produced recently, and obviously we're happy to give</p> <p>8 you a copy. I hope he has one --</p> <p>9 Do you have a copy?</p> <p>10 MR. PHELPS: My objection has been noted.</p> <p>11 MS. JONES: Do you have a copy of the</p> <p>12 transcript now?</p> <p>13 MR. PHELPS: I do now.</p> <p>14 MS. JONES: Okay. And we can send you the</p> <p>15 exhibits, too, if you wanted.</p> <p>16 Q. Okay. Mr. Bejar, let me ask you to turn</p> <p>17 to page 14 of what we've marked -- we have not</p> <p>18 marked it -- but the copy of your sworn testimony</p> <p>19 from February of 2023.</p> <p>20 Are you there?</p> <p>21 A. Yes.</p> <p>22 Q. And at the bottom of page 14, there's a</p> <p>23 question that says -- begins at line 22.</p> <p>24 Do you see that?</p> <p>25 A. Yeah.</p>

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<p style="text-align: right;">Page 773</p> <p>1 Q. And it says, "And while you were in the 2 position of -- which had the equivalent of chief 3 security officer, did you have any responsibility 4 for integrity or trust issues." 5 Do you see that? 6 A. I do. 7 Q. And then your answer begins on page 15 so 8 you might have to turn the page. 9 A. I do. 10 Q. At line 1, it says, "Supporting this, we 11 worked on supporting the engineers who were building 12 those systems but we didn't -- we weren't 13 responsible for building those systems." 14 Do you see that? 15 A. I do. 16 MR. CARTMELL: I'm going to object. Just 17 if I can have a running objection to the -- I think 18 you're trying to impeach him with his deposition but 19 you didn't ask the question. It's inappropriate 20 impeachment. So I object on that basis. 21 MS. JONES: Okay. Your objection is 22 noted. 23 BY MS. JONES: 24 Q. Was that truthful testimony when you gave 25 it in February of 2023?</p>	<p style="text-align: right;">Page 775</p> <p>1 A. Yes. 2 Q. And during that first window of time that 3 you worked with the company, that went from 2009 to 4 2015; is that right? 5 A. Yes. 6 Q. Okay. And during that period -- I'm going 7 to create some lines here just to be able to be a 8 little more organized. 9 During that period I believe your 10 testimony has been that you were not really involved 11 in child safety issues on Instagram, right? 12 A. During that period of time, I was 13 responsible for child safety issues for Meta, or 14 Facebook at the time, and that included Instagram 15 and WhatsApp where applicable. 16 Q. Mr. Bejar, do you recall your testimony 17 from two days ago in this deposition? 18 A. I do. Yes, I do. 19 MS. JONES: Okay. Can we, Mr. Reynolds, 20 just put up on the screen -- 21 And I will represent to you this is a 22 rough of the transcript. It's not the final 23 transcript. 24 But could we put up page 75, please, from 25 day one and can we go to the first page.</p>
<p style="text-align: right;">Page 774</p> <p>1 A. That is correct. 2 Q. Okay. And just so we capture it for 3 purposes of our -- 4 Can you go back. Thank you so much. 5 -- for purposes of what we're talking 6 about here. 7 And you left Yahoo! in 2009; is that 8 right? 9 A. Correct. 10 Q. Okay. And -- 11 MR. CARTMELL: Just real quick. Sorry, 12 Phyllis, to interrupt. 13 I'm going to object to the use of this 14 demonstrative as incorrect and also including the 15 improper impeachment. 16 MS. JONES: Okay. Your objection is 17 noted. 18 Q. You left Yahoo! in 2009, right? 19 A. Yes, I did. 20 Q. And you -- that was when you started your 21 first stint at what was then Facebook is now Meta, 22 right? 23 A. Correct. 24 Q. I'm going to refer to that on the 25 demonstrative here as Meta 1; is that okay?</p>	<p style="text-align: right;">Page 776</p> <p>1 MR. CARTMELL: Phyllis, can I object 2 before you do it as improper impeachment. 3 MS. JONES: Certainly. 4 MR. CARTMELL: Okay. 5 MS. JONES: Can we go to -- 6 MR. CARTMELL: And have a running 7 objection on all these questions. 8 MS. JONES: When you say "all these 9 questions," I don't think I can agree to that. But 10 you can certainly have a running objection to the 11 use of the rough transcript -- 12 MR. CARTMELL: Okay. 13 MS. JONES: -- from two days ago. 14 MR. CARTMELL: Let me make it clear. 15 To impeach a witness with his prior 16 testimony you have to ask the question that you -- 17 was asked and then get a response that allows you to 18 impeach. So this is improper impeachment. 19 And I'd like a running objection to your 20 use of this in any respect if you haven't done it 21 correctly beforehand. 22 MS. JONES: Okay. 23 MR. CARTMELL: Thanks. 24 MS. JONES: I'm not giving you a running 25 objection for the balance of the day.</p>

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<p style="text-align: right;">Page 777</p> <p>1 MR. CARTMELL: No, no, no.</p> <p>2 MS. JONES: But certainly as to this line</p> <p>3 of questioning you got it.</p> <p>4 Q. Okay. Do you see, Mr. Bejar, that this</p> <p>5 is, if you look down at the bottom of the page,</p> <p>6 again, admittedly a rough transcript of your</p> <p>7 testimony from just two days ago, April 7, 2025,</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. And before you started testifying, you</p> <p>11 swore to tell the truth, right?</p> <p>12 A. Yeah.</p> <p>13 Q. And you were truthful on April the 7th,</p> <p>14 Monday of this week?</p> <p>15 A. Yes.</p> <p>16 MS. JONES: Okay. Let me ask us to go to</p> <p>17 page 75, line 8 through 12, please.</p> <p>18 Q. You were asked, by Mr. Cartmell actually,</p> <p>19 "Now, you had not worked really much on child safety</p> <p>20 at Instagram when you left in 2015, correct?"</p> <p>21 You see that question?</p> <p>22 A. I do.</p> <p>23 Q. And do you see your answer was, "That's</p> <p>24 correct, I was focused on Facebook"?</p> <p>25 A. There was nobody working on child safety</p>	<p style="text-align: right;">Page 779</p> <p>1 BY MS. JONES:</p> <p>2 Q. Okay. And --</p> <p>3 We can take that down, Mr. Reynolds.</p> <p>4 And -- actually, Mr. Reynolds, can we call it up one</p> <p>5 more time, please. Same page. Because I want to</p> <p>6 fairly recount -- oh, thank you.</p> <p>7 Okay. Thank you, Mr. Reynolds.</p> <p>8 THE WITNESS: Can I see that?</p> <p>9 BY MS. JONES:</p> <p>10 Q. Yeah, sure.</p> <p>11 A. I can't see it.</p> <p>12 Q. You can't see -- which part can you not</p> <p>13 see?</p> <p>14 A. Yeah, it -- for accuracy, could you add</p> <p>15 there that I was responsible for safety and security</p> <p>16 for all of the products that Meta was responsible</p> <p>17 for, including acquisitions?</p> <p>18 Q. What I'm focused on right now is what you</p> <p>19 said to us on Monday.</p> <p>20 A. Okay.</p> <p>21 Q. And if counsel wants to come back and have</p> <p>22 you say something more, that's okay. He is -- he</p> <p>23 will have time to do that.</p> <p>24 And then you left Meta in 2015, right?</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 778</p> <p>1 on Instagram at the time.</p> <p>2 Q. My question was, was your answer, just two</p> <p>3 days ago, "That's correct, I was focused on</p> <p>4 Facebook"?</p> <p>5 MR. CARTMELL: Just note my objection.</p> <p>6 THE WITNESS: That's what the transcript</p> <p>7 says so that's what I said.</p> <p>8 BY MS. JONES:</p> <p>9 Q. Okay.</p> <p>10 A. And I -- actually, like, at the time there</p> <p>11 was nobody on Instagram working on child safety.</p> <p>12 The focus at the time was establishing the basic</p> <p>13 reporting flows and I worked on that with Instagram,</p> <p>14 right, and so that was -- what work that was being</p> <p>15 done at the time.</p> <p>16 MS. JONES: Well, let me move to strike</p> <p>17 everything after "That is what the transcript says</p> <p>18 so that's what I said."</p> <p>19 Q. And you were giving -- your testimony</p> <p>20 Monday was truthful? I just want to be clear about</p> <p>21 that.</p> <p>22 MR. CARTMELL: Objection. Asked and</p> <p>23 answered.</p> <p>24 THE WITNESS: Yes, it was truthful.</p> <p>25 ///</p>	<p style="text-align: right;">Page 780</p> <p>1 Q. And from 2015 to 2019, you were not</p> <p>2 working, right, and I'm not picking on you, but you</p> <p>3 were not working as a full-time employee anywhere,</p> <p>4 right?</p> <p>5 A. I was not working as a full-time employee</p> <p>6 anywhere.</p> <p>7 Q. Okay.</p> <p>8 A. I was a full-time parent, though.</p> <p>9 Q. Which is a job, to be fair and to be fully</p> <p>10 accurate, yes.</p> <p>11 You were not working outside of the very</p> <p>12 important role that you were playing with respect to</p> <p>13 your children. Fair enough?</p> <p>14 A. That's -- other than the other work I did</p> <p>15 in art, I think that is accurate.</p> <p>16 Q. Okay. Well, you were not --</p> <p>17 A. And the consulting. So I think if you go</p> <p>18 back during that time, right, parent, number one.</p> <p>19 Q. Yes.</p> <p>20 A. So around three days a week.</p> <p>21 Q. Sure.</p> <p>22 A. Then around, like, time dedicated</p> <p>23 sometimes to the art projects I was working on.</p> <p>24 And then there was time spent both sort of</p> <p>25 thinking and discussing with people the areas around</p>

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<p style="text-align: right;">Page 781</p> <p>1 security and safety.</p> <p>2 Q. I want to come back to that.</p> <p>3 What you told me yesterday, I thought, was</p> <p>4 none of the consulting work that you were doing</p> <p>5 between 2015 to 2019 was related to child safety?</p> <p>6 MR. CARTMELL: Object to the form.</p> <p>7 THE WITNESS: I don't believe that's what</p> <p>8 I said. I think what I said yesterday is -- is I</p> <p>9 worked on social products and I had conversations</p> <p>10 with people and organizations around issues of child</p> <p>11 safety. Sometimes the work was not compensated.</p> <p>12 That was not a priority for me at the time.</p> <p>13 And it also means that throughout all this</p> <p>14 time I continued thinking about the issue. But</p> <p>15 also, I had believed that at the point that there</p> <p>16 was a framework at Meta that would carry on that --</p> <p>17 to deal with that.</p> <p>18 So I was okay having the work being</p> <p>19 continued in such a way that it addressed the child</p> <p>20 safety issues that had been identified and worked on</p> <p>21 on my first stint.</p> <p>22 BY MS. JONES:</p> <p>23 Q. Let me be very sure that we're clear on</p> <p>24 the record here.</p> <p>25 I believe you testified yesterday under</p>	<p style="text-align: right;">Page 783</p> <p>1 A. Correct.</p> <p>2 Q. And you were possibly consulting with</p> <p>3 other companies but you can't tell me what the names</p> <p>4 of those companies are?</p> <p>5 A. So one I remember, for example, was an</p> <p>6 organization called Mobius that was dedicated --</p> <p>7 (Whereupon, a brief discussion off the</p> <p>8 record.)</p> <p>9 THE WITNESS: Mobius, M-O-B-I-U-S.</p> <p>10 Who was working on these kinds of issues</p> <p>11 and was working with other companies.</p> <p>12 Also, there were different forums</p> <p>13 organized around responsible innovation, including</p> <p>14 people that were working on child safety issues,</p> <p>15 just sort of private meetings organized by people in</p> <p>16 the industry that had people from Google, Roblox,</p> <p>17 and other companies that, again, I don't remember</p> <p>18 right now. And I participated in those</p> <p>19 conversations as well.</p> <p>20 And I think also I spent a significant</p> <p>21 amount of time thinking about these issues and</p> <p>22 discussing them with my kids around that, because</p> <p>23 this is always a topic that I cared about.</p> <p>24 BY MS. JONES:</p> <p>25 Q. Okay. You were not working on child</p>
<p style="text-align: right;">Page 782</p> <p>1 oath that between 2015 and 2019 the consulting that</p> <p>2 you did was for Airbnb, is that right, formal</p> <p>3 consulting?</p> <p>4 MR. CARTMELL: Objection to the statement</p> <p>5 of counsel. Improper impeach.</p> <p>6 MR. PHELPS: And characterization.</p> <p>7 BY MS. JONES:</p> <p>8 Q. You can answer.</p> <p>9 A. At Airbnb and other companies that I might</p> <p>10 not recall the name of right now.</p> <p>11 Q. Okay. So yesterday you said you consulted</p> <p>12 with Airbnb, yes?</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. And you think now there might be other</p> <p>15 companies you consulted with that you don't remember</p> <p>16 the names of?</p> <p>17 A. Yeah, I mean, yesterday I talked about</p> <p>18 Airbnb because that's the name I remembered.</p> <p>19 I believe I, also during that time, did</p> <p>20 other kinds of consulting engagements. I don't</p> <p>21 recall precisely what those are right now.</p> <p>22 Q. Okay. So during this period you were</p> <p>23 consulting -- I want to be fair to what you've</p> <p>24 recounted.</p> <p>25 You were consulting with Airbnb, yes?</p>	<p style="text-align: right;">Page 784</p> <p>1 safety issues in any formal employed capacity with</p> <p>2 any company from 2015 to 2019, right?</p> <p>3 A. That's correct.</p> <p>4 Q. You were not serving in any official child</p> <p>5 safety role with any or -- company, right?</p> <p>6 A. That's correct.</p> <p>7 Q. And, again, your first time -- role with</p> <p>8 the company was six years, right, with Meta, excuse</p> <p>9 me, yes?</p> <p>10 A. Correct.</p> <p>11 Q. And then there was this four-year period</p> <p>12 where you weren't working full time, you were</p> <p>13 parenting, spending some time on your interests in</p> <p>14 the arts, and then it sounds like consulting, maybe</p> <p>15 having conversations with people around responsible</p> <p>16 innovation and child safety; is that what you said?</p> <p>17 MR. CARTMELL: Object to the form.</p> <p>18 THE WITNESS: I mean, I'd have to say, for</p> <p>19 example, during this time, from a parenting</p> <p>20 perspective, how important it was for me in</p> <p>21 developing sort of my opinions and expertise to --</p> <p>22 having conversations with my daughter about her</p> <p>23 experiences, her usage of the tools that were made</p> <p>24 available to her at the time, and the way these</p> <p>25 things impacted her and all of her friends.</p>

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<p style="text-align: right;">Page 785</p> <p>1 BY MS. JONES: 2 Q. Okay. And then you went back to the 3 company -- and by "the company," I mean Meta -- in 4 2019; is that right? 5 A. That's correct. 6 Q. All right. And you were there for two 7 years, right? 8 A. That's correct. 9 Q. Okay. And I'm going to refer to this as 10 Meta 2, right? Is that okay? I guess I should say. 11 A. Yes, that's okay. 12 Q. All right. And I know we had some back 13 and forth yesterday about what your specific title 14 was one way or the other. 15 You described your role as a consultant 16 for the company, right? 17 A. Correct. 18 Q. And the paperwork that we looked at from 19 the time described you as a contingent worker, 20 right? 21 A. Right. 22 Q. And most of the time that you were a 23 contingent worker you were remote, right? 24 A. Correct. 25 I really have no sense of the bearing of</p>	<p style="text-align: right;">Page 787</p> <p>1 having observations, realizations. 2 Actually, during my time in between those 3 things, wrote a series of essays capturing 4 everything I had learned and thought about during. 5 Those essays were submitted as work, as part of my 6 contract going into Meta. My contract at Meta 7 allowed for me to work with other people. 8 So I mean, I think if you -- if what 9 you're trying to do is define this as hours on the 10 clock, I mean, I don't think that's an accurate 11 reflection of the amount of experience that I have 12 in thinking about these issues, writing about them, 13 talking about them. 14 And then most importantly, the track 15 record of building things, organizations, within 16 large companies that address them. 17 MS. JONES: Let me move to strike all of 18 that. It's nonresponsive. 19 MR. CARTMELL: Okay. So, Phyllis -- 20 MS. JONES: Yes. 21 MR. CARTMELL: I don't think I legally 22 need to oppose your motions. 23 MS. JONES: You do not. 24 MR. CARTMELL: Can I have that running -- 25 MS. JONES: I will note your --</p>
<p style="text-align: right;">Page 786</p> <p>1 that considering that the bulk of that time 2 everybody was remote. 3 MS. JONES: Okay. I'm going to move to 4 strike everything after "Correct." 5 Q. And I believe we saw documentation, 6 including communications from you to Mr. [REDACTED] 7 [REDACTED] that you were working on average three hours 8 a week, right? 9 A. That is not accurate because that refers 10 to a period of time up to that e-mail. After that 11 e-mail, that went up significantly. 12 And also, the three hours I billed for, I 13 mean, I think I would say that -- spent a lot more 14 of my time sort of thinking about the issues and 15 thinking about the area and so -- I mean, the way I 16 read this, it's like yeah, when you're on the clock, 17 right, that's the math for this. 18 And I don't think that's an accurate 19 characterization of a person that has spent the last 20 30 years thinking of working on successfully and 21 effectively by pretty much any measure, especially 22 when you look at Yahoo! and you look at Meta with 23 millions and millions of users, all of the risks 24 we're talking about today, and so when you leave the 25 job you continue thinking about it. You continue</p>	<p style="text-align: right;">Page 788</p> <p>1 MR. CARTMELL: -- opposition? 2 MS. JONES: I understand that you oppose 3 my motions on that issue. 4 MR. CARTMELL: Okay. 5 MS. JONES: And so let me just make sure. 6 I have made my motion to strike all that 7 as nonresponsive. Mr. Cartmell has noted his 8 opposition to that and any forward-going motions to 9 strike as nonresponsive. 10 Q. Mr. Bejar, I just want to make sure we're 11 very clear. 12 You have testified -- well, let me take a 13 step back. 14 We looked at documents yesterday where as 15 of, I believe, October of 2020 you reported to 16 Mr. [REDACTED] that you were working on average three 17 hours a week, right? 18 MR. CARTMELL: Object to form. 19 THE WITNESS: Can you repeat the question? 20 BY MS. JONES: 21 Q. Yes. 22 We yesterday looked at documents where you 23 reported to Mr. [REDACTED] that as of October of 2020 you 24 were working on average three hours a week, right? 25 A. That as of October of 2020, I had, like,</p>

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<p style="text-align: right;">Page 789</p> <p>1 three hours of billable work at -- for Instagram. 2 Because, again, just really -- and I 3 apologize because part of this is me, sort of, 4 English as a second language thing. 5 But it's like the work I did was well 6 beyond those three hours but the billable hours were 7 the hours I was spending having meetings, 8 conversations with people, and I thought that was -- 9 that is the correct way to go about that. 10 Q. Okay. Do you have Exhibit Number 68 in 11 front of you? I do want to be very clear about what 12 actually was in the document. 13 MR. WARD: 68, Counsel? 14 MS. JONES: 68 please. 15 (Whereupon, Meta-Bejar Exhibit 68 having 16 been previously marked, was introduced.) 17 BY MS. JONES: 18 Q. Do you recall us looking at Exhibit 19 Number 68 yesterday, Mr. Bejar? 20 A. Yes. 21 Q. And do you specifically recall us looking 22 at this e-mail from you to [REDACTED], down at the 23 bottom of that document, on October the 2nd, 2020? 24 A. That is correct. 25 Q. And so October the 2nd, 2020, would have</p>	<p style="text-align: right;">Page 791</p> <p>1 I'm -- I'm reading from the document and we can read 2 together. 3 On Exhibit Number 68, on October the 2nd, 4 2020, a year into your time back at the company you 5 reported to Mr. [REDACTED] "Over my time here I have 6 been pretty much averaging the 3 hours a week, 7 sometimes less, sometimes more." 8 Right? That's what you wrote? 9 A. Right. 10 Q. Okay. And, in fact, you have testified 11 under oath since then that your time actually 12 working might have averaged out to around one day a 13 week, right? 14 MR. CARTMELL: Objection. Asked and 15 answered. 16 THE WITNESS: Sorry? 17 MR. CARTMELL: Go ahead. You can answer. 18 THE WITNESS: Oh, okay. Thank you. 19 It depended on the period of time but I 20 think that's what it averaged out to. 21 BY MS. JONES: 22 Q. Okay. Well, let me ask you to look at an 23 additional set of your sworn testimony. 24 (Whereupon, a brief discussion off the 25 record.)</p>
<p style="text-align: right;">Page 790</p> <p>1 been about a year into your time working as a 2 consultant or a contingent worker with the company, 3 right? 4 A. That's correct. 5 Q. And let's just -- again, just to be very 6 clear about what you said at the time. 7 "Over my time here I've been pretty much 8 averaging the 3 hours a week, sometimes less, 9 sometimes more." 10 Right? 11 A. Three hours a week of billable time. 12 Q. Well, you didn't say of billable time in 13 that e-mail, did you? 14 A. I didn't say of work either. 15 Q. Okay. 16 (Whereupon, a brief discussion off the 17 record.) 18 THE WITNESS: I didn't write over my time 19 here I've been pretty much averaging three hours of 20 work a week. 21 BY MS. JONES: 22 Q. Well, you know, I didn't say of work. 23 A. That's what I heard you say. 24 Q. Okay. Well, then I apologize. 25 Let me make sure that I'm clear about what</p>	<p style="text-align: right;">Page 792</p> <p>1 BY MS. JONES: 2 Q. Do you recall being asked questions by 3 Mr. Phelps who was sitting down at the end of the 4 table back in -- I believe it was May of 2023? 5 A. I do. 6 Q. Okay. And you understand that you were 7 examined under oath in that setting as well? 8 A. Yes. 9 Q. And you committed to telling the truth 10 when you were asked questions in that setting as 11 well? 12 A. Yes. 13 Q. Okay. And if we put that up on the 14 screen, let's just show -- 15 MR. CARTMELL: Before you do that, I 16 apologize for interrupting, I want to object. This 17 is improper impeachment. And can I have that 18 running objection through the use of this document 19 and especially while you're showing it? 20 MS. JONES: Yes, certainly. 21 MR. CARTMELL: Okay. 22 BY MS. JONES: 23 Q. Mr. Bejar, you see that this is the cover 24 page of the transcript from your testimony of 25 Confidential Proceedings Examination Under Oath of</p>

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<p style="text-align: right;">Page 793</p> <p>1 Arturo Bejar on May the 16, 2023?</p> <p>2 A. I do.</p> <p>3 Q. Let me ask you to turn to page 87.</p> <p>4 And you -- do you recall that these were</p> <p>5 questions that were being asked by Mr. Phelps from</p> <p>6 the Tennessee Attorney General's Office who was</p> <p>7 asking you questions yesterday?</p> <p>8 A. Yes.</p> <p>9 Q. So you had some experience with Mr. Phelps</p> <p>10 getting to ask you questions before, right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And then down at the bottom of the</p> <p>13 page, on page 87, do you see at line 23 you were</p> <p>14 specifically asked, "How many hours a week, roughly,</p> <p>15 did you work for the company between 2019 and 2021?"</p> <p>16 A. Yes.</p> <p>17 Q. And your answer, starting at line 25, was,</p> <p>18 "I think it likely averaged out to around one day a</p> <p>19 week."</p> <p>20 That's what it says, right?</p> <p>21 A. Correct.</p> <p>22 Q. It says, "It was done on an as-needed</p> <p>23 basis so there were weeks where it was just a few</p> <p>24 hours and then there were weeks where it was like</p> <p>25 multiple days."</p>	<p style="text-align: right;">Page 795</p> <p>1 Characterization.</p> <p>2 THE WITNESS: That's what I testified</p> <p>3 and -- yes. It was three days parenting. If this</p> <p>4 work was needed here, I figured it out because</p> <p>5 it's -- it was important to be responsive. One day</p> <p>6 a week on this and then one day a week on the other</p> <p>7 areas of my life.</p> <p>8 BY MS. JONES:</p> <p>9 Q. Okay. And during that time period, you</p> <p>10 were never full time, right?</p> <p>11 A. That's correct.</p> <p>12 Q. And during that time period, you were</p> <p>13 working specifically with the Instagram Well-Being</p> <p>14 team, right?</p> <p>15 A. That's correct. Well, primarily. Because</p> <p>16 I did talk to other people in other parts of the</p> <p>17 company.</p> <p>18 Q. Understood.</p> <p>19 But in terms of your formal assignment and</p> <p>20 the people to whom you were reporting, you were</p> <p>21 working with the Instagram Well-Being team, right?</p> <p>22 A. That's correct.</p> <p>23 Q. You were not formally working with or</p> <p>24 formally reporting into, for example, the central</p> <p>25 integrity team, right?</p>
<p style="text-align: right;">Page 794</p> <p>1 Right?</p> <p>2 A. Correct.</p> <p>3 Q. Was that truthful testimony when you gave</p> <p>4 it at the time?</p> <p>5 A. Yes.</p> <p>6 Q. And so just to be fair --</p> <p>7 Can we go back to the Elmo, please.</p> <p>8 Just to be fair to you, this three hours a</p> <p>9 week that you reported to Mr. [REDACTED] the document</p> <p>10 suggests maybe that was up through October of 2020.</p> <p>11 MR. CARTMELL: Objection to the form.</p> <p>12 BY MS. JONES:</p> <p>13 Q. Is that right?</p> <p>14 A. As I think I've said a couple of times in</p> <p>15 this line of questioning, three billable hours a</p> <p>16 week on average up to that point. And then for the</p> <p>17 reminder it had to be up significantly to then get</p> <p>18 to the average that I was talking about.</p> <p>19 Q. Okay. And then what you said in your</p> <p>20 testimony in 2023 was that you averaged out to about</p> <p>21 an hour a week -- not -- excuse me.</p> <p>22 What you said in your testimony in 2023</p> <p>23 was that you averaged out to about a day a week,</p> <p>24 right?</p> <p>25 MR. PHELPS: Object to form.</p>	<p style="text-align: right;">Page 796</p> <p>1 A. Yes, that's correct.</p> <p>2 Q. And you were not formally working with or</p> <p>3 formally reporting to the various child safety teams</p> <p>4 or child safety-focused teams within central</p> <p>5 integrity, right?</p> <p>6 A. That is correct.</p> <p>7 Q. And would the answer be the same with</p> <p>8 respect to work, formal work, with members of the</p> <p>9 safety policy team who were focused on child safety</p> <p>10 issues?</p> <p>11 A. Do you mean like the central policy team</p> <p>12 like --</p> <p>13 Q. Yes.</p> <p>14 A. -- [REDACTED] and all those folks?</p> <p>15 Q. Yes.</p> <p>16 I apologize. Let me ask the question</p> <p>17 again because I interrupted you.</p> <p>18 Would the answer be the same in terms of</p> <p>19 between 2019 to 2021, you did not have any formal</p> <p>20 work or role with the safety policy team at the</p> <p>21 company?</p> <p>22 A. That is correct.</p> <p>23 Q. And, Mr. Bejar, again, just to be very --</p> <p>24 well, to be fair, but also to be accurate about what</p> <p>25 we're talking about here, if we added up all of</p>

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<p style="text-align: right;">Page 797</p> <p>1 these years and let's say we just gave you credit 2 for all the years that we've talked about, we still 3 don't get to 30 years, right? 4 A. Sorry, I noticed that there's a whole 5 section missing there, which is between 2021 and the 6 present where I have continued to do work, write, 7 test, communicate on all of these areas, and so I 8 believe that we are in 2025, and I began actively 9 thinking of working on implementing things on these 10 issues in 1995. I have not stopped doing that since 11 then. 12 And so I think it is accurate to say I 13 have 30 years of thinking, writing, working, 14 implementing effective programs that deal with all 15 of these issues for kids and for everybody else in 16 multiple contexts that involve up to billions of 17 people. 18 Q. Okay. And, Mr. Bejar, you've not actually 19 had a full-time job for -- since 2015; isn't that 20 right? 21 A. That's correct. 22 Q. Okay. And certainly you've not had a 23 full-time role focused on child safety in, like, 24 roughly a decade, right? 25 A. Full-time job paid, no. That's correct.</p>	<p style="text-align: right;">Page 799</p> <p>1 had written code that had been running hundreds of 2 millions of times. And during my time at Yahoo! I 3 dealt with grooming. Like, I spoke to parents, 4 of -- the kids -- deployed countermeasures, dealt 5 with child pornography and other child endangerment 6 issues very effectively during that time. And you 7 look at the track record within Yahoo! it's there. 8 That's why Meta hired me. You look at the 9 track record on Meta, and, again -- 10 (Whereupon, a brief discussion off the 11 record.) 12 THE WITNESS: You look at the track record 13 within Meta, and, again, same set of problems, 14 starting from a small user base to a billion people, 15 established track record of frameworks and programs 16 and solutions, leadership for these areas in the 17 industry in terms of NCMEC tools, participation in 18 forums, sharing of internal knowledge and expertise 19 and development. 20 And then when the safety and policy team 21 came around, I thought my work was done. That there 22 was a framework. There was a company. It was 23 happening. And it was upon realizing that the work 24 was not done, through the experience of my daughter, 25 that I then went back to work and have continued to</p>
<p style="text-align: right;">Page 798</p> <p>1 Q. Okay. And if -- and what you're counting 2 within this 30 years is a period of time where you 3 were working for a company that never actually 4 launched a product, Electric Communities, right? 5 MR. CARTMELL: Object to the form. Asked 6 and answered. 7 BY MS. JONES: 8 Q. Right? 9 A. I think that's mischaracterizing the work 10 that Electric Communities did, but -- I mean, you 11 seem pretty set on keeping referring to it as a 12 company that didn't ship a product to users, and 13 that is accurate, and at the same time, that is a 14 company that considered the issue deeply on profound 15 issues of security, issues of safety -- safety 16 without central moderation. How do you build a 17 system that scales to billions of people. 18 And things that I learned at Electric 19 Communities were things that I spoke about with Mark 20 Zuckerberg during my interview that shifted the 21 interview, that I could visibly tell that it made 22 him comfortable hiring me. 23 It wasn't just that. It was time thinking 24 about it. 25 But then within my first month at Yahoo! I</p>	<p style="text-align: right;">Page 800</p> <p>1 do so since. 2 And I do this not because I have to. 3 Fortunately, I don't need to have a full-time job, 4 and that's the reason why that hasn't been the case 5 since 2015. 6 But I think it's important enough that I 7 am here today and that I have been doing all of 8 these things, including offering to do it pro bono 9 in many instances. 10 MS. JONES: I'm going to move to strike 11 all of that. It's quite nonresponsive. 12 Q. Do you remember what my question was, 13 Mr. Bejar? 14 A. I do not anymore. 15 Q. Okay. Well, let me read it back to you. 16 Going back to our demonstrative here, in 17 your 30 years of child safety experience, you are 18 counting within that period time that you spent at a 19 company that never actually launched a product? 20 MR. CARTMELL: Object. Actually, I don't 21 think that was the question. But I object. That 22 question was asked and answered. 23 BY MS. JONES: 24 Q. Well, I'm reading from the realtime. 25 But in any event, let me ask the question</p>

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<p style="text-align: right;">Page 801</p> <p>1 so that it's clear. 2 Within your 30 years of child safety 3 experience, you are including Electric Communities 4 that never launched a product, right? 5 MR. CARTMELL: Same objection. 6 THE WITNESS: No, that's not quite right. 7 BY MS. JONES: 8 Q. Did Electric Communities launch a product, 9 ever? 10 A. Yes, by the end of the time I was at 11 Electric Communities, it incorporated other 12 companies that had shipped products. 13 Q. But did it have a product that it had 14 launched while you were there? 15 A. During the time I was there, they didn't 16 launch a product without testing, so not -- 17 (Whereupon, a brief discussion off the 18 record.) 19 THE WITNESS: -- beyond testing. So we 20 had like a small testing program that we did with, 21 like, 50 people. 22 BY MS. JONES: 23 Q. Okay. Were those people adults? 24 A. Some of those people were children. 25 Q. How many?</p>	<p style="text-align: right;">Page 803</p> <p>1 (Whereupon, a brief discussion off the 2 record.) 3 THE WITNESS: -- go to Mark Zuckerberg 4 around issues that I had been noticing that, based 5 on my experience, Meta could be doing a 6 difference -- doing much better at. 7 And so if you want to say not working full 8 time on the issue, I think that is an accurate 9 statement, but in the way that the question is 10 framed I think it mischaracterizes the time that I 11 spent. 12 BY MS. JONES: 13 Q. Well, that's fine. And let me assure you, 14 Mr. Bejar, Mr. Cartmell, Mr. Phelps, other lawyers 15 in the room will have a chance to give you an 16 opportunity to say whatever -- bless you -- to say 17 whatever else you want to say. 18 My hope is that you would just focus on my 19 question, if you wouldn't mind. 20 So I'm going to move to strike 21 respectfully, as -- 22 MR. CARTMELL: I move to strike the 23 statement of counsel. 24 MS. JONES: Well, can I just finish my 25 question?</p>
<p style="text-align: right;">Page 802</p> <p>1 A. A handful. 2 Q. Okay. And just to make sure I'm clear on 3 your answer, while you were at the company Electric 4 Communities had not formally launched a product, 5 right? 6 MR. CARTMELL: Same objection. 7 THE WITNESS: I think I've answered this 8 question. But I do -- I mean, I have to say that 9 mischaracterizes the work done at Electric 10 Communities. But it is accurate to say that 11 Electric Communities had not launched a product. 12 BY MS. JONES: 13 Q. Okay. And you're also including within 14 your 30 years of child safety experience a four-year 15 period where you were not working full time in any 16 child safety role at all, right, from 2015 to 2019? 17 MR. CARTMELL: Objection. Asked and 18 answered. 19 THE WITNESS: Again, I think in the way 20 you are asking the question you are 21 mischaracterizing how that time was spent. 22 Like, I wrote things. I published things. 23 I actually wrote an e-mail to -- that Mike 24 Schroepfer and Andrew Bosworth that was intended 25 to --</p>	<p style="text-align: right;">Page 804</p> <p>1 MR. CARTMELL: No, I'm striking your 2 statement before your question. You can now ask 3 your question. 4 MS. JONES: Okay. 5 Q. Mr. Bejar, let me ask you to focus on my 6 question. And at the same time I move to strike 7 your nonresponsive answer to my question earlier. 8 Within your 30 years of child safety 9 experience that you've talked about, you are 10 including a four-year period where you were not 11 serving in any formal full-time role as a child 12 safety professional, right? 13 MR. CARTMELL: Same objections. It's been 14 asked and answered now several times. 15 THE WITNESS: Yeah, I believe I've 16 answered this question multiple times. And I am 17 focusing on your question. I just want to make sure 18 that I answer it accurately. 19 BY MS. JONES: 20 Q. And the accurate answer to that question 21 would be yes, right? 22 MR. CARTMELL: Object to form. 23 THE WITNESS: Sorry. I'm sorry. I just 24 have to ask. Are you supposed to tell me that the 25 correct answer to my question is yes?</p>

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<p style="text-align: right;">Page 805</p> <p>1 BY MS. JONES: 2 Q. Well, I'm -- what I actually mostly want 3 to do is make sure that I'm getting an answer to the 4 question that I've asked you. 5 A. Okay. 6 Q. And I -- 7 A. Just checking. 8 Q. Well, the way it's supposed to work is I 9 ask you questions and then you give me answers. 10 That's the basic process. 11 So let me ask you the question -- 12 MR. CARTMELL: Before you ask it -- 13 BY MS. JONES: 14 Q. -- again. 15 MR. CARTMELL: -- I'll move to strike your 16 statement. 17 BY MS. JONES: 18 Q. Within your 30 years of child safety 19 experience, you're including four years of time 20 where you were not serving in any formal full-time 21 role as a child safety professional, correct? 22 MR. CARTMELL: Objection. Asked and 23 answered multiple times. 24 THE WITNESS: I believe I have already 25 answered this question.</p>	<p style="text-align: right;">Page 807</p> <p>1 BY MS. JONES: 2 Q. Okay. You can't give me a yes-or-no 3 answer to my question; is that your testimony? 4 MR. WARD: I think he said he's given his 5 answer. 6 MS. JONES: And you are now coaching the 7 witness. 8 Q. Could you please answer my question? 9 MR. WARD: No. I'm objecting to the 10 continuing harassment of my client. He's given the 11 answer several times and I think you're becoming 12 abusive of the witness. And he's given his answer. 13 I'm going to direct him not to answer the question 14 further. 15 If you think that the court will find that 16 he has not answered the question, you can move to 17 compel. I think at this point it's abusive. He's 18 answered the question. 19 MS. JONES: Okay. 20 Q. And am I understanding that you can't -- 21 you're not going to answer yes or no? 22 I am permitted to ask him if he's 23 accepting an instruction from his counsel not to 24 answer the question. 25 Can you answer that question?</p>
<p style="text-align: right;">Page 806</p> <p>1 BY MS. JONES: 2 Q. And the answer to that is yes? 3 MR. CARTMELL: Objection. It's 4 argumentative. It's been asked and answered and... 5 THE WITNESS: And it -- 6 MR. CARTMELL: At this point it's becoming 7 harassing. 8 MS. JONES: Well, and you are well past 9 coaching the witness to which I object. 10 MR. CARTMELL: I'm not coaching the 11 witness. I'm making an objection that you have 12 asked the same question now five times. 13 MS. JONES: Well, I've certainly asked 14 it -- 15 MR. CARTMELL: And then once you -- 16 MS. JONES: -- five times without an 17 answer. 18 MR. CARTMELL: -- ask the question you 19 then say -- you restate what he's answering to 20 saying isn't that a yes. 21 THE WITNESS: I just want to say, actually 22 it makes me pretty uncomfortable when you say "and 23 the answer is yes" because that's not my answer. I 24 think I've already given my answer. 25 ///</p>	<p style="text-align: right;">Page 808</p> <p>1 MR. WARD: That's not what you were asking 2 him, Counsel. 3 MS. JONES: That was literally my 4 question -- 5 MR. WARD: He's asked -- 6 MS. JONES: -- before you started 7 objecting. 8 MR. WARD: He's been asked and answered -- 9 and has answered the question several times. He's 10 told you that he's answered the question to the best 11 of his ability. And you persist in asking the 12 question over and over again. 13 What I'm asking you to do is mark the 14 transcript. If you think it's nonresponsive, you 15 can ask the court. You are not the court. You 16 don't get to decide whether it's responsive. You 17 can only object that it's not responsive and move to 18 strike. 19 And I think you should take that up with 20 the court if you think it's not responsive. But you 21 don't get to decide whether the answer is 22 responsive. You only get to object and move to 23 strike. And you've done that multiple times now. 24 I think it's actually abusive of 25 Mr. Bejar's second language skills in English to</p>

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<p style="text-align: right;">Page 809</p> <p>1 continue to comment that his statements and answers 2 are not responsive. It reflects a bias against him 3 as a non-English speaker. 4 If you don't like his answers, that's 5 fine, but you can't reform his answers for him 6 and/or instruct him what his answer should be. I 7 think that reflects a bias against him and I object 8 to it. 9 MS. JONES: Well, I -- let me just respond 10 to that. 11 That is an, respectfully, absurd 12 accusation that I am somehow suggesting a bias 13 against Mr. Bejar. So I take issue with that 14 suggestion. It is offensive. So I do not 15 appreciate that, Mr. Ward, because it is not a 16 suggestion that is made in good faith. 17 Q. Are you accepting your counsel's direction 18 not to answer my question? 19 MR. WARD: Yes. You should not answer. 20 You have answered the question. 21 BY MS. JONES: 22 Q. Are you accepting your counsel's direction 23 not to answer my question? 24 MR. WARD: You have answered the question. 25 THE WITNESS: I have answered the</p>	<p style="text-align: right;">Page 811</p> <p>1 is making me very uncomfortable. I am here in good 2 faith. I'm doing my best at understanding and 3 answering the questions. 4 I believe I have answered this question 5 already. And, like, I -- I wish -- we should take a 6 break as soon as possible because this is moderately 7 upsetting and I want to be able to be present and be 8 able to answer the questions accurately. 9 Q. Okay. Let me ask you this question and 10 then we'll move on to our next topic. 11 What we -- and we will mark what we put 12 together here as an exhibit to the deposition. 13 But in terms of your claim that you have 14 30 years of child safety experience, if we were to 15 add your time after leaving Meta in 2021, is what's 16 reflected here how you are coming up with 30 years 17 of child safety experience? 18 And I will write on the paper "post-Meta 19 efforts." 20 Would that be inclusive of the 30 years 21 that you've been talking about? 22 A. Are you asking me that what is there is 23 reflective of how I came up with the 30 years of 24 experience? 25 Q. Yes.</p>
<p style="text-align: right;">Page 810</p> <p>1 question. 2 BY MS. JONES: 3 Q. Okay. And to the extent that I asked you 4 again, you are accepting your counsel's direction 5 not to answer? 6 MR. WARD: He's not not answering the 7 question. He's saying that he has answered the 8 question. 9 MS. JONES: Mr. Ward. 10 MR. WARD: He's not going to answer the 11 question a sixth time, is what I'm saying. 12 MS. JONES: Mr. Ward, if I -- if this 13 needs to be taken to the court, then I need to make 14 sure I understand where we are on the record. That 15 you have instructed him not to answer and that he is 16 accepting that instruction. That is all that I am 17 trying to establish is -- 18 MR. WARD: I've instructed him not to 19 answer the question for, I'm estimating, a sixth 20 time. It may be more than that. 21 BY MS. JONES: 22 Q. Mr. Bejar, are you accepting your 23 counsel's instruction not to answer my question? 24 A. I have to say this sort of over and over 25 and over again, you're telling me the answer is yes</p>	<p style="text-align: right;">Page 812</p> <p>1 A. Absolutely not. Because the column on the 2 right and the bullets that you added mischaracterize 3 the work that I have done for 30 years. 4 Q. Okay. Well, putting aside how you feel 5 about the column on the right, is this -- are these 6 the different segments in terms of time frames that 7 you're including? 8 A. The -- so if you add up 1995 to 1998, then 9 1998 to 2009 and 2009 to 2015, 2015 to 2019, 2019 to 10 2021, and 2021 to 2025, I believe that adds up to 11 30 years. 12 Q. Okay. Do you need to take a break because 13 this has been upsetting for you or are you okay to 14 keep going? 15 A. No, I would very much like to take a 16 break. 17 MS. JONES: Well, let's take a break, 18 then. 19 MR. CARTMELL: On the record, before we 20 go, you said you were going to mark this exhibit. I 21 want to note our objection to the use of this 22 exhibit as mischaracterizing his testimony. 23 MS. JONES: I think that objection is 24 clearly noted on the record. 25 We can go off.</p>

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<p style="text-align: right;">Page 813</p> <p>1 THE VIDEOGRAPHER: Time is 9:29. We're 2 off the record. 3 (Whereupon, a brief recess was taken.) 4 THE VIDEOGRAPHER: Time is 9:50. We're 5 back on the record. 6 BY MS. JONES: 7 Q. Mr. Bejar, welcome back. 8 Simply because this was raised in our last 9 bit before our break, you, and I think also your 10 counsel, invoked the fact that English is your 11 second language; is that right? 12 A. That's correct. 13 Q. Have you had a -- 14 MR. CARTMELL: Objection. I'm sorry I'm 15 late, Phyllis. 16 But move to strike the statement of 17 counsel. 18 MS. JONES: I'm not sure -- well, your 19 objection is noted. 20 Q. Have you had a hard time understanding my 21 questions because English is your second language? 22 A. I'm trying to understand well what you 23 mean with certain words and so I pause to try and 24 understand what you mean by them when you're talking 25 about that. And I think that's connected to the</p>	<p style="text-align: right;">Page 815</p> <p>1 I'm, like, in the question feel might be 2 mischaracterizing. 3 So I think when you talk about -- 4 yesterday you asked me this question about, well, 5 this time that you spent away from, like, work and 6 you were kind of -- my impression of it is, like, 7 you know, kind of doing other things. 8 I had to listen to that very closely 9 because if later there's something in the question 10 that I might agree to, I don't want to say I agree 11 to that if you're, like, talking about my time that 12 I dedicated to parenting, which we talked about as a 13 job. And actually a job central to informing 14 experience and opinions in this domain. 15 And so then I have to, like, really pause 16 and consider the language with great care in order 17 to be able to provide a thoughtful and accurate 18 answer. 19 Q. And just to be clear, you're not having a 20 hard time being able to answer my questions because 21 English is your second language; is that right? 22 A. I'm taking time and sometimes I struggle 23 to understand what it is that you mean with your 24 questions. And so I believe that relates to the 25 fact that when you say things like motivations or</p>
<p style="text-align: right;">Page 814</p> <p>1 fact that English is my second language. 2 Q. Now, before I got a chance to ask you any 3 questions, you had testified for almost 11 hours in 4 response to questions from plaintiffs' counsel, 5 right? 6 A. That is correct. 7 Q. Did you have problems -- and, in fact, 8 Mr. Phelps, before he started asking you questions, 9 said is there anything that would prevent you from 10 being able to answer questions. 11 Do you remember that? 12 A. That is correct. 13 Q. And your answer to that question was no, 14 right? 15 A. That is correct. 16 Q. And at no point during the almost 11 hours 17 of questioning by plaintiffs' counsel did you ever 18 say I can't understand the question because English 19 is my second language, did you? 20 A. No, that's not accurate. I'm not saying I 21 couldn't understand the question. I'm just talking 22 about the amount of work I have to do to understand 23 the question and I found the questions to be pretty 24 clear and I think -- I'm finding with some of your 25 questions that some of the things that you're saying</p>	<p style="text-align: right;">Page 816</p> <p>1 intentions, I'm not quite sure that's the way that 2 they are understood or what I understand them to be 3 and so I have to pause. 4 I mean, I, really, yesterday was taking a 5 lot of time to be, like -- in some cases I'm, like, 6 what does she mean by that word so I can answer 7 accurately and I think that's related to sort of 8 the -- that English is not my native language. 9 Q. And you -- before you had your deposition, 10 you talked with plaintiffs' counsel for 10 to 11 20 hours in the last month, right? 12 A. That's correct. 13 Q. Were all those conversations in English? 14 A. Yes. 15 Q. And, in fact, you went to school in the 16 UK, right? 17 A. That is correct. 18 Q. And was your education in the UK back in, 19 what, the 1980s? 20 A. I'm sorry, I -- that wasn't in the 1980s. 21 In the 1980s, I was in Mexico until 19- -- I think, 22 what did I go to the UK on, on '89 -- I think it was 23 on '90 when I -- it was 1990 that I went to the UK. 24 Q. Okay. 25 A. So I grew up in Mexico and I lived in</p>

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<p style="text-align: right;">Page 817</p> <p>1 Mexico and I lived in Spanish until I was like 19 or 2 20. 3 Q. Okay. And when you did your schooling in 4 the UK, was that schooling in English? 5 A. Correct. 6 Q. Okay. And you have worked in the tech 7 industry for at least 30 years, right? 8 A. Oh, more than that. 9 Q. Okay. 40 years? 10 A. 1986, I think it was 1986 when I had my 11 first job with IBM. So I would say that goes to, 12 like -- say that's 39 years. 13 Q. So close to 40 years? 14 A. Yes. 15 Q. In the tech industry? 16 A. Yes. 17 Q. Working in English, right? 18 A. Correct. 19 Q. Okay. And the 30 years of child safety 20 work that you have claimed to have experience in, 21 that's all been work that you've done in English? 22 MR. CARTMELL: Objection to form. 23 BY MS. JONES: 24 Q. Right? 25 A. Again, I pause there because you inserted</p>	<p style="text-align: right;">Page 819</p> <p>1 Q. You testified entirely in English, 2 correct? 3 A. That is correct. 4 Q. At no point did you say I can't understand 5 the questions for some reason because we're talking 6 in English, right? 7 A. Which is not what I said today, right? 8 Q. My -- let me just focus on my question. 9 My question is, in your deposition in 10 February of 2023 when you were testifying under 11 oath, you had at no point said I'm having a hard 12 time being able to answer questions because we're 13 talking in English, right? 14 A. That is correct. 15 Q. Okay. And you testified again later that 16 year when you were talking to Mr. Phelps, also under 17 oath, and you testified in English, correct? 18 A. That is correct. 19 Q. And that you never raised concerns about 20 being able to understand the questions because the 21 questions were in English, right? 22 A. That's correct. 23 Q. And then you also testified that same year 24 before the United States Congress, right? 25 A. That is correct.</p>
<p style="text-align: right;">Page 818</p> <p>1 the word "claim" and I have to be, like, what does 2 that mean and then I can -- and then -- and if I say 3 yes, am I -- 4 Q. Well, I don't -- 5 A. -- meaning that you meant claim? 6 Q. Let me be more -- 7 A. Correct? 8 Q. Let me be more clear. I don't mean to get 9 you tripped up on the claim point. 10 A. Thank you. 11 Q. You have testified that you have 30 years 12 of experience in child safety, yes? 13 A. Yes. 14 Q. Okay. That 30 years of experience that 15 you have testified about, that work has either 16 overwhelming or exclusively been done in English, 17 correct? 18 A. That is correct. 19 Q. Okay. And you have testified -- before 20 you got to this deposition, you have testified under 21 oath on three separate occasions, right? 22 A. That is correct. 23 Q. You testified in the FTC proceeding 24 involving Meta in February of 2023, right? 25 A. That is correct.</p>	<p style="text-align: right;">Page 820</p> <p>1 Q. And your testimony was entirely in 2 English, right? 3 A. That is correct. 4 Q. And you provided written testimony in 5 connection with your testimony before Congress, 6 right? 7 A. That is correct. 8 Q. And that was entirely done in English, 9 right? 10 A. That is correct. 11 Q. You have a website that I think is 12 entitled www.arturobejar.com, right? 13 A. No. 14 Q. What is the -- what is the web address? 15 A. www.arturobejar.org. 16 Q. And www.arturobejar.org -- O-R-G -- you have a 17 number of essays and other writings that you have 18 posted to that site, right? 19 A. Correct. 20 Q. Just based on my review, it is either 21 entirely or the majority in English, right? 22 A. That is correct. 23 Q. Okay. You don't have a problem 24 understanding questions that are posed to you in 25 English, right?</p>

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<p style="text-align: right;">Page 821</p> <p>1 A. So what I'm experiencing that I was 2 referring to is I am not used to being asked 3 questions that in the body of the question might 4 mischaracterize the work that I have been doing and 5 then say yes/no at the end. 6 So then I am having to spend a lot of time 7 thinking about the different parts of the question 8 in order to make sure that I don't accidentally say 9 yes to something that is inaccurate. And that 10 requires a lot of close attention to the language. 11 I think that most of the questioning under 12 oath or conversations that I've experienced to date, 13 that the questions are, like, pretty self-evidently 14 clear, and they don't contain these things that -- I 15 mean, I kind of am listening to the question, I'm 16 trying to parse it very thoughtfully. 17 And at some point there are these bits of 18 the question that make me think of -- of that scene 19 in Star Wars where the -- where Landos is coming in 20 and then Admiral Ackbar goes, "It's a trap." And 21 I'm, like, if I say yes to that, am I admitting to 22 something that I wouldn't agree with. 23 And so when you look at some of the things 24 that we're looking at, you're laying all these 25 things out that mischaracterize a lifetime of work</p>	<p style="text-align: right;">Page 823</p> <p>1 accurate, I'm not agreeing to everything that came 2 up to that. 3 Q. Well, let me ask you this question, 4 Mr. Bejar. 5 Are you comfortable with me proceeding 6 with the deposition in English? 7 A. Yes. 8 Q. Okay. Let me ask you to pull Exhibit 9 Number 8 out of your pile. 10 (Whereupon, Meta-Bejar Exhibit 8 having 11 been previously marked, was introduced.) 12 BY MS. JONES: 13 Q. Do you remember Exhibit Number 8 being a 14 document that -- I believe it was Mr. Cartmell 15 showed you on the first day of your deposition? 16 A. Yes. 17 Q. And this reflects internal discussions 18 about a potential statement of work; is that a fair 19 general description of what Exhibit 8 is? 20 A. Yes. 21 Q. And the document was created in March of 22 2021, right? 23 A. That's correct. 24 Q. And March of '21 would have been well into 25 your time back at the company in that 2019 to 2021</p>
<p style="text-align: right;">Page 822</p> <p>1 in the industry and then say yes or no. And I have 2 to think about that really hard because it seems to 3 me that the way the questions are constructed there 4 are things in it that if I say yes to that, then 5 I'm -- might not be fully understanding what I'm 6 saying yes to and so I pause and I ask and I take 7 parts of that. 8 And so, yeah, I would say absolutely in 9 that context I am needing to do work between Spanish 10 and English that I'm not used to doing in this 11 context. 12 The work of explaining things accurately, 13 managing these efforts, communicating the nature of 14 these issues, managing engineers, all of these 15 areas, is yeah, I can do that in English very 16 comfortably. But this is a different kind of use of 17 English that I think I'm having some trouble with 18 and that's why I take my time sometimes and that's 19 why I think I've answered the question even though 20 you keep asking the question sometimes. 21 And I understand that's your job, like, a 22 hundred percent respect that, but I just want to be 23 careful about understanding your question well 24 enough so that at the end when you say yes or no, 25 because the last sentence is something that is</p>	<p style="text-align: right;">Page 824</p> <p>1 time period, right? 2 A. 18 months into what was originally a 3 six-month engagement. 4 Q. Okay. And the document continued to be 5 worked on even in September of 2021. 6 If you go to page 4 of the document, you 7 can see that there are annotations from different 8 people that are dated September the 17th, for 9 example? 10 A. I'm sorry, page? 11 Q. Page 4. 12 A. Oh, sorry, I was looking at the wrong 13 page. 14 Q. That's okay. It's also on the screen, if 15 that helps. 16 A. Oh, that's helpful, yeah. 17 Q. Yeah. 18 Do you see that? 19 A. Yeah. 20 Q. And so this was -- that was just a month 21 or so before your consulting role ended with the 22 company in October 2021, right? 23 A. Correct. 24 Q. Okay. So what is reflected in Exhibit 25 Number 8 is not a description of the role that you</p>

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<p style="text-align: right;">Page 825</p> <p>1 had been doing since 2019, it's a description of a 2 potential forward-looking part-time role at the 3 company, right? 4 A. No. 5 MR. CARTMELL: Object -- give me just a 6 second. 7 THE WITNESS: I apologize. 8 MR. CARTMELL: Object to the form. 9 Mischaracterizes his testimony. 10 THE WITNESS: Sorry, could you ask the 11 question -- the last part of the question again? 12 BY MS. JONES: 13 Q. Yeah. Sure. 14 MR. CARTMELL: Subject to those 15 objections. 16 MS. JONES: Yes. Mr. Cartmell has noted 17 his objection now twice. 18 Q. What is reflected in Exhibit Number 8, and 19 we know this, in part, because it's dated -- it runs 20 up until right before you left the company in 2021, 21 is not a description of the role that you had been 22 doing since 2019. It's a description of a potential 23 forward-looking part-time role at the company. 24 MR. CARTMELL: Same objection. 25 THE WITNESS: It is both things.</p>	<p style="text-align: right;">Page 827</p> <p>1 you'd be available," that first bullet says, "Right 2 now, I'm thinking 12, around a day and a half." 3 Do you see that? 4 A. Yes. 5 Q. And then the next -- the third sentence in 6 that same paragraph says, "My thinking is that it 7 would be on average, some weeks more, some weeks 8 less, depending on demand." 9 Is that right? 10 A. That's correct. 11 Q. Okay. And then in the next bullet point, 12 it says, "Another way to think about it is my upper 13 bound over time is 2 days a week, but I hesitate to 14 commit to that many hours on advance [sic]." 15 Do you see that? 16 A. That's correct. 17 Q. Okay. And, "On special weeks I would of 18 course do more, though there are weeks where less 19 might be needed." 20 Yes? 21 A. That's correct. 22 Sorry. 23 MR. CARTMELL: Just didn't object. But 24 you did misread, and it's reflected in the 25 transcript, the statement before that.</p>
<p style="text-align: right;">Page 826</p> <p>1 BY MS. JONES: 2 Q. Okay. Let me ask you about -- you did not 3 ultimately come back to the company as a part-time 4 employee associated with the Instagram Well-Being 5 organization; is that right? 6 A. I did not. 7 Q. Okay. And if you go to page 3 of Exhibit 8 Number 8, at the very top of the page there is a 9 section entitled, "How many hours a week do you 10 think you would be available?" 11 A. That's correct. 12 Q. And do you understand that to be of what 13 you had shared with the team at the time about what 14 your availability might be in connection with an 15 ongoing role with the Instagram Well-Being team? 16 A. In particular, this was while my kids were 17 still with me at home. 18 Q. Uh-huh. 19 A. And so we had talked about the possibility 20 after my kids had moved on of increasing the amount 21 of time that I was there. But when I talk about two 22 days a week I was talking about all the time that I 23 wasn't with my kids. 24 Q. Okay. And up at the top of that page, 25 where it says, "How many hours a week do you think</p>	<p style="text-align: right;">Page 828</p> <p>1 MS. JONES: I don't know what you mean by 2 "the statement before that." 3 MR. CARTMELL: You said "that many hours 4 on advance." And it doesn't say that. I'm just 5 alerting to that and objecting to reading of it. 6 MS. JONES: Well, that -- that wasn't -- 7 that was a -- just a mistake on my part. 8 Let me read it again. 9 The second bullet says, in the first 10 sentence, "Another way to think about it is my upper 11 bound over time is 2 days a week, but I hesitate to 12 commit to that many hours on average." 13 Q. Did I read that correctly? 14 A. Yes. 15 Q. And is that an accurate recitation of what 16 you said to the Instagram Well-Being team about your 17 interest and availability for continuing to work on 18 safety issues? 19 A. No. 20 Q. With the team? 21 A. No. 22 Q. Okay. That's not an accurate recitation 23 of what you told them? 24 A. You left out the sentence that came after 25 that.</p>

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<p style="text-align: right;">Page 829</p> <p>1 Q. Well, my question is, is that first --</p> <p>2 recognizing there are other sentences, which we'll</p> <p>3 read, my question is, is that a component, that</p> <p>4 first sentence, that my upper bound over two --</p> <p>5 "over time is 2 days a week, but I hesitate to</p> <p>6 commit to that many hours on average."</p> <p>7 A. Sorry, I didn't hear a question.</p> <p>8 Q. Well, I guess my question is -- let me</p> <p>9 stick with my question.</p> <p>10 I read that accurately, right?</p> <p>11 A. You read that sentence accurately. It</p> <p>12 does not include what was my commitment to the</p> <p>13 offering at the company at the time.</p> <p>14 Q. Well, let me continue to read what you --</p> <p>15 what was written at the time.</p> <p>16 "On special weeks I would of course do</p> <p>17 more, though there are weeks where less might be</p> <p>18 needed."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. And it says, "The one thing I would like</p> <p>22 to -- up front about with you/Yoav is that the</p> <p>23 artwork with [REDACTED] takes priority" -- you</p> <p>24 wrote in parentheses -- "(he's 84), but usually</p> <p>25 scheduled well in advance, so there will be times</p>	<p style="text-align: right;">Page 831</p> <p>1 question, do you consider yourself to be an expert</p> <p>2 on teen mental health issues generally?</p> <p>3 MR. CARTMELL: Objection. Asked and</p> <p>4 answered.</p> <p>5 THE WITNESS: I mean, I think I've already</p> <p>6 answered it. But it is the knowledge that my</p> <p>7 expertise is in building products that -- well, part</p> <p>8 of my expertise is in building products that</p> <p>9 mitigate and reduce harm.</p> <p>10 But understanding that an essential part</p> <p>11 of that is bringing in academic experts into the</p> <p>12 product engineering teams so they can then help</p> <p>13 inform with their deep lifetime expertise, the kind</p> <p>14 of lifetime expertise I have in building safety</p> <p>15 products, their lifetime expertise of working</p> <p>16 directly with teenagers.</p> <p>17 And I would not presume to know what they</p> <p>18 know but I do know that the correct process is to</p> <p>19 bring them into the team in order to, in</p> <p>20 partnership, develop products that can be</p> <p>21 effectively measured to address teen mental health</p> <p>22 issues.</p> <p>23 BY MS. JONES:</p> <p>24 Q. Okay. And I think you said some version</p> <p>25 of that on the first day of your deposition.</p>
<p style="text-align: right;">Page 830</p> <p>1 where I travel a couple of weeks to film/do that</p> <p>2 work."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And it goes on to say, "This is the way I</p> <p>6 have been working for a while and it has not been</p> <p>7 disruptive."</p> <p>8 Do you see that?</p> <p>9 A. That's correct.</p> <p>10 Q. Well, why was it the case that you did not</p> <p>11 ultimately end up taking on this further part-time</p> <p>12 role?</p> <p>13 A. It was not offered to me.</p> <p>14 Q. Okay.</p> <p>15 A. Had I had the opportunity to continue</p> <p>16 doing the work, I would have taken it because I -- I</p> <p>17 mean, I -- it's so important.</p> <p>18 Q. Let me ask you just generally, Mr. Bejar.</p> <p>19 Do you consider yourself to be an expert</p> <p>20 on teen mental health issues?</p> <p>21 A. I consider me to be an expert on</p> <p>22 developing products that address teen mental health</p> <p>23 issues.</p> <p>24 Q. And I -- I'm not trying to give you a hard</p> <p>25 time. I just want to make sure that in terms of my</p>	<p style="text-align: right;">Page 832</p> <p>1 That part of the reason that during the</p> <p>2 time you were at the company from 2009 to 2015 that</p> <p>3 you thought it was important to partner with</p> <p>4 external experts on some of these issues was because</p> <p>5 although you had some universe of experience, you</p> <p>6 also wanted the benefit of folks who might have had</p> <p>7 expertise on teen mental health issues more broadly?</p> <p>8 MR. CARTMELL: Object to form.</p> <p>9 THE WITNESS: I mean, I thought it was</p> <p>10 absolutely essential if you're going to be working</p> <p>11 on a tool that helps a teen with bullying to do it</p> <p>12 with the person who has been studying these issues</p> <p>13 in university.</p> <p>14 We had different academic partners for</p> <p>15 suicide prevention, for teen bullying, for</p> <p>16 content-related harms. That was Berkeley. And so I</p> <p>17 thought it wasn't good, I thought it was necessary</p> <p>18 to be in partnership with them to do that work.</p> <p>19 BY MS. JONES:</p> <p>20 Q. And can I take you back for just a moment</p> <p>21 to your time at Yahoo!.</p> <p>22 When you were in your role at Yahoo! for</p> <p>23 those several years, did you have any work that was</p> <p>24 specifically focused on bullying and harassment with</p> <p>25 respect to teens?</p>

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<p style="text-align: right;">Page 833</p> <p>1 A. Yes.</p> <p>2 Q. Did you -- and what was that work? Just</p> <p>3 give me the nutshell version.</p> <p>4 A. Yeah. So we had chat rooms and a</p> <p>5 messaging product like instant messaging between</p> <p>6 people. We had groups. And these were issues that</p> <p>7 presented themselves in that context.</p> <p>8 Q. What about issues related to body image</p> <p>9 and eating disorders, was that issues that you were</p> <p>10 addressing at all in your role at Yahoo!</p> <p>11 A. No.</p> <p>12 Q. What about suicide and self-injury issues?</p> <p>13 A. Yes.</p> <p>14 Q. And how was suicide and self-injury coming</p> <p>15 up in terms of your work at Yahoo!?</p> <p>16 A. Through chat and, again, this</p> <p>17 communication products. The social features that we</p> <p>18 have.</p> <p>19 Q. I think you might have testified to this</p> <p>20 already, Mr. Bejar, but your degree is in</p> <p>21 mathematics; is that right?</p> <p>22 A. That is correct.</p> <p>23 Q. And you don't have any education, formal</p> <p>24 education or training in psychiatry or psychology?</p> <p>25 A. No, no formal education.</p>	<p style="text-align: right;">Page 835</p> <p>1 A. It depends on how you define social</p> <p>2 worker. But no.</p> <p>3 Q. Well, you understand that folks who work</p> <p>4 full time in the field of social work, there are</p> <p>5 degrees that one can get in that area?</p> <p>6 A. With due respect to people who do that</p> <p>7 work.</p> <p>8 Q. Okay.</p> <p>9 A. All the respect in the world to people</p> <p>10 that are on the ground helping people with issues</p> <p>11 that they are experiencing.</p> <p>12 Q. Indeed. And you are not a person who has</p> <p>13 any special or formal training or education in the</p> <p>14 field of social work?</p> <p>15 A. I am not.</p> <p>16 Q. You do not have any formal training or</p> <p>17 education on the clinical diagnosis of addiction?</p> <p>18 A. I do not. But I can tell when the company</p> <p>19 does not earnestly seek to understand the issue in</p> <p>20 order to establish whether there is a problem there.</p> <p>21 MS. JONES: Okay. I'm going to move to</p> <p>22 strike everything after "I do not."</p> <p>23 Q. You are not trained in any formal way to</p> <p>24 evaluate whether behavior is problematic or</p> <p>25 signaling addiction under any recognized clinical</p>
<p style="text-align: right;">Page 834</p> <p>1 Q. And you don't have any formal education or</p> <p>2 training in childhood development?</p> <p>3 A. No formal education, but so much time</p> <p>4 spent with experts in the area understanding the</p> <p>5 considerations that go into building products that</p> <p>6 serve that.</p> <p>7 Q. Sure.</p> <p>8 You're not a medical doctor?</p> <p>9 A. No, my dad was.</p> <p>10 Q. Okay. But you're not a medical doctor?</p> <p>11 A. I am not.</p> <p>12 Q. What kind of doctor was your dad?</p> <p>13 A. Pediatrics-focused ENT.</p> <p>14 Q. So --</p> <p>15 (Whereupon, a brief discussion off the</p> <p>16 record.)</p> <p>17 THE WITNESS: So it's ear, nose, and</p> <p>18 throat focusing primarily on children.</p> <p>19 BY MS. JONES:</p> <p>20 Q. Okay.</p> <p>21 A. As is my brother.</p> <p>22 Q. Interesting.</p> <p>23 You're not a registered nurse?</p> <p>24 A. No.</p> <p>25 Q. You're not a social worker?</p>	<p style="text-align: right;">Page 836</p> <p>1 definition, right?</p> <p>2 MR. CARTMELL: Object to form.</p> <p>3 THE WITNESS: Can you ask the question</p> <p>4 again?</p> <p>5 BY MS. JONES:</p> <p>6 Q. Sure.</p> <p>7 You were not trained in any formal way to</p> <p>8 evaluate whether behavior is problematic or</p> <p>9 indicative of addiction under any recognized</p> <p>10 clinical definition, correct?</p> <p>11 MR. CARTMELL: Same objection.</p> <p>12 THE WITNESS: Again, I am trained and have</p> <p>13 expertise in the context of a social media product,</p> <p>14 you could identify problematic behavior, time spent,</p> <p>15 amount of clicks, notifications, amount of times the</p> <p>16 app was open within a short period of time. I</p> <p>17 definitely understand very well how you would engage</p> <p>18 on what seems to be a, by any definition,</p> <p>19 problematic or addictive use of an application.</p> <p>20 BY MS. JONES:</p> <p>21 Q. And I want to just -- just so I'm clear,</p> <p>22 my question was very specific.</p> <p>23 Do you have formal training or education</p> <p>24 in how to evaluate whether a behavior is problematic</p> <p>25 or indicative of addiction under any recognized</p>

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<p style="text-align: right;">Page 837</p> <p>1 clinical definition?</p> <p>2 MR. CARTMELL: Same objection.</p> <p>3 THE WITNESS: If what you're asking about</p> <p>4 is have I done kind of medical study in that domain,</p> <p>5 I have not.</p> <p>6 BY MS. JONES:</p> <p>7 Q. And, in fact, no one has ever hired you as</p> <p>8 an employee or a consultant to determine whether</p> <p>9 someone is addicted to a substance or a product,</p> <p>10 right?</p> <p>11 MR. CARTMELL: Object to form.</p> <p>12 THE WITNESS: I don't think that was ever,</p> <p>13 like, in the list of things, but if you talk about</p> <p>14 harms, I would assume that to be the case.</p> <p>15 And in my first stint, had this been an</p> <p>16 issue that the company wanted to investigate, I</p> <p>17 would have been the person that -- I would have been</p> <p>18 approached to study that --</p> <p>19 BY MS. JONES:</p> <p>20 Q. Well --</p> <p>21 A. -- on behalf of the company and then bring</p> <p>22 in the external experts to understand what the</p> <p>23 issues were.</p> <p>24 Q. Okay. I want to --</p> <p>25 A. It's true of every similar issue from 2009</p>	<p style="text-align: right;">Page 839</p> <p>1 evaluate whether this person is addicted to a</p> <p>2 substance or a product?</p> <p>3 A. No.</p> <p>4 Q. And while you were at Meta in either of</p> <p>5 your periods at the company, you were not making</p> <p>6 clinical evaluations about whether specific</p> <p>7 individuals, and teens in particular, were addicted</p> <p>8 to social media?</p> <p>9 MR. CARTMELL: Object to the form.</p> <p>10 THE WITNESS: I don't believe that there</p> <p>11 was anybody at Meta making clinical evaluations</p> <p>12 about teens being addicted at a time in which</p> <p>13 literature, and I believe behavioral data in the</p> <p>14 product, indicated that that might be a problem.</p> <p>15 I think it would have been great if at the</p> <p>16 time there had been people studying the issue from a</p> <p>17 clinical perspective within the company and that</p> <p>18 would have led to substantive product changes that</p> <p>19 would have helped with that.</p> <p>20 BY MS. JONES:</p> <p>21 Q. All right. Are you offering -- are you</p> <p>22 familiar with the specific facts related to any</p> <p>23 individual plaintiff in this litigation?</p> <p>24 MR. CARTMELL: Object to form.</p> <p>25 THE WITNESS: I mean, that seems like a</p>
<p style="text-align: right;">Page 838</p> <p>1 to 2015.</p> <p>2 MS. JONES: I'm going to move to strike as</p> <p>3 nonresponsive, with respect.</p> <p>4 Q. No one has ever hired you as an employee</p> <p>5 or a consultant to determine whether someone, an</p> <p>6 individual, is addicted to a substance or product,</p> <p>7 right?</p> <p>8 MR. CARTMELL: Same objection.</p> <p>9 THE WITNESS: -- I guess the answer to</p> <p>10 that would depend on whether it's in the charter of</p> <p>11 working on issues around safety and well-being. And</p> <p>12 so in my mind, when I was hiring into the well-being</p> <p>13 team, that was for -- given the expertise, that was</p> <p>14 in the context of one of the areas where I could</p> <p>15 support the well-being team had it been a priority.</p> <p>16 And so I would say that I have been hired</p> <p>17 to work on well-being and I believe that this is a</p> <p>18 key aspect of well-being that was not called out as</p> <p>19 an individual item in my description when I got</p> <p>20 hired.</p> <p>21 BY MS. JONES:</p> <p>22 Q. Mr. Bejar, your degree is in math, right?</p> <p>23 A. Correct.</p> <p>24 Q. Has anyone ever brought to you an</p> <p>25 individual and said, Arturo Bejar, we need you to</p>	<p style="text-align: right;">Page 840</p> <p>1 really broad question. So I would need to have more</p> <p>2 details in order to be able to be -- sort of a</p> <p>3 question with "any" is like -- just feels too broad.</p> <p>4 BY MS. JONES:</p> <p>5 Q. Well, have you -- are you familiar with</p> <p>6 the -- of the names of any of the plaintiffs who</p> <p>7 have brought claims in this litigation?</p> <p>8 A. I'm not recalling right now.</p> <p>9 Q. And you're not offering an opinion as to</p> <p>10 any specific plaintiff in this litigation and</p> <p>11 whether social media might have somehow caused or</p> <p>12 contributed to that young person's mental health</p> <p>13 concerns?</p> <p>14 MR. CARTMELL: Object to the form.</p> <p>15 THE WITNESS: I mean, I think I'm offering</p> <p>16 many well-informed and considered opinions about the</p> <p>17 general area of well-being, harms experienced by</p> <p>18 teenagers, what the company could have done about</p> <p>19 it, and my efforts of trying to bring those to the</p> <p>20 attention of the executive team.</p> <p>21 BY MS. JONES:</p> <p>22 Q. Sure.</p> <p>23 My question is, are you offering an</p> <p>24 opinion with respect to any specific plaintiff who's</p> <p>25 brought a claim in this case?</p>

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<p style="text-align: right;">Page 841</p> <p>1 MR. CARTMELL: Object to the form.</p> <p>2 THE WITNESS: I believe I'm offering an</p> <p>3 opinion in the general field.</p> <p>4 BY MS. JONES:</p> <p>5 Q. Okay. But you couldn't tell me today the</p> <p>6 name of any of the plaintiffs in the litigation?</p> <p>7 A. I mean, I -- not immediately. Like, I've</p> <p>8 spoken to parents whose kids have tragically died</p> <p>9 out of suicide or other issues and I don't know if</p> <p>10 they are in -- some of the plaintiffs in this or</p> <p>11 not. And so I cannot name off the top of my head</p> <p>12 right now.</p> <p>13 Q. Mr. Bejar, you are not a statistician, are</p> <p>14 you?</p> <p>15 A. I'm just a mathematician.</p> <p>16 Q. No, fair enough.</p> <p>17 But those are different. Those are</p> <p>18 different fields of study, right?</p> <p>19 A. No, actually, statistics is a subfield of</p> <p>20 mathematics and it was one of the things that I</p> <p>21 studied during my degree.</p> <p>22 Q. Well, you can have a -- you can have an</p> <p>23 advanced degree in statistics specifically, right?</p> <p>24 A. Yes, you can. I also, before I did my</p> <p>25 degree in the UK that was mathematics, in Mexico I</p>	<p style="text-align: right;">Page 843</p> <p>1 Q. Are you familiar with something known as</p> <p>2 the Bradford Hill analysis?</p> <p>3 A. Yes.</p> <p>4 Q. And what --</p> <p>5 A. Vaguely.</p> <p>6 Q. And what is it?</p> <p>7 A. I am familiar with it but I can't recall</p> <p>8 right now. Like, the name -- again, as I said, we</p> <p>9 talked about sometimes with proper nouns, I need a</p> <p>10 little bit more context in order to be able to put</p> <p>11 things together.</p> <p>12 Q. Okay. Well, my question for the moment</p> <p>13 is, can you tell me anything about what the Bradford</p> <p>14 Hill analysis is?</p> <p>15 A. Is that an intensity emotional</p> <p>16 measurement?</p> <p>17 Q. No.</p> <p>18 A. Okay. Not off the top of my head.</p> <p>19 Q. Okay. Have you ever in any of your</p> <p>20 role -- roles had to conduct an analysis to</p> <p>21 determine the difference -- well, let me actually</p> <p>22 take a step back.</p> <p>23 Do you know what the difference is between</p> <p>24 association and causation?</p> <p>25 MR. CARTMELL: Object to form.</p>
<p style="text-align: right;">Page 842</p> <p>1 did both mathematics and I also started studying</p> <p>2 actuarial sciences.</p> <p>3 Q. Okay. But --</p> <p>4 Let me just move to strike everything</p> <p>5 after "Yes, you can."</p> <p>6 You don't have an advanced degree in</p> <p>7 statistics, right?</p> <p>8 MR. CARTMELL: Objection. Asked and</p> <p>9 answered.</p> <p>10 THE WITNESS: I believe I've answered the</p> <p>11 question.</p> <p>12 BY MS. JONES:</p> <p>13 Q. Okay. And -- well, I'm actually not sure</p> <p>14 you have answered the question.</p> <p>15 You have what, I guess, the US equivalent</p> <p>16 of an undergraduate degree in math, right?</p> <p>17 A. And pure mathematics, correct.</p> <p>18 Q. Okay. And you don't have any advanced</p> <p>19 degrees beyond that degree; is that right?</p> <p>20 A. By "advanced degrees," you refer to like a</p> <p>21 master's or a Ph.D. or --</p> <p>22 Q. Yes, that's what I'm referring to.</p> <p>23 A. I do not.</p> <p>24 Q. You are not an epidemiologist?</p> <p>25 A. No, I am not an epidemiologist.</p>	<p style="text-align: right;">Page 844</p> <p>1 THE WITNESS: Do you mean the relationship</p> <p>2 between correlation and causation?</p> <p>3 BY MS. JONES:</p> <p>4 Q. No. I mean do you know the difference</p> <p>5 between association and causation?</p> <p>6 MR. CARTMELL: Same objection.</p> <p>7 THE WITNESS: I know the difference</p> <p>8 between correlation and causation.</p> <p>9 BY MS. JONES:</p> <p>10 Q. Okay. Are you familiar with the term</p> <p>11 "association"?</p> <p>12 A. You would have to define it in this</p> <p>13 context.</p> <p>14 Q. Okay. Could you define it for me in this</p> <p>15 context?</p> <p>16 MR. CARTMELL: Object to the form.</p> <p>17 THE WITNESS: I believe I've answered that</p> <p>18 question. You would have to define it in this</p> <p>19 context.</p> <p>20 BY MS. JONES:</p> <p>21 Q. Okay. Have you ever conducted any kind of</p> <p>22 analysis to determine whether a relationship was</p> <p>23 correlational versus causative?</p> <p>24 MR. CARTMELL: Object to form. It's</p> <p>25 vague.</p>

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<p style="text-align: right;">Page 845</p> <p>1 THE WITNESS: So we did extensive research 2 working closely with data analytics and user 3 research under my direction where we went through 4 all of the data and the analysis with academics in 5 the room around once a week. So that was what 6 Fridays were for. And in some instances, for 7 example, you could say this piece of content made 8 the teenager express that they were having this 9 issue with this emotional intensity and I believe 10 that that set of connections is causal. 11 Which is different to say when there is 12 sort of a correlation with an issue, where you can 13 say a large number of people who experience this, 14 also experience that. 15 And I also did extensive analysis of that 16 kind during my first stint. Because in order to 17 deploy effective teen safety solutions you had to be 18 able to manage both. 19 BY MS. JONES: 20 Q. Other than what you just described, and 21 just going back to my original question, have you 22 ever conducted any kind of analysis to determine 23 whether a relationship was correlational versus 24 causative? 25 MR. CARTMELL: Objection.</p>	<p style="text-align: right;">Page 847</p> <p>1 Q. Okay. So when you say every Friday was 2 devoted to that, what are you referring to 3 specifically? 4 A. I'm referring that Fridays were dedicated 5 to hands-on work, even though I was a senior leader 6 for the area, on what I was called the compassion 7 team. And so usually, they would start with a two- 8 to three-hour meeting that combined user research, 9 data analytics, product development, content 10 strategy, so the language, and engineering. And 11 then we would look at the results of both product, 12 behavior, and survey data in order to, with the help 13 of the academics in the room, interpret those. 14 And then the rest of the day was dedicated 15 to having conversations with engineers, product 16 managers, data scientists, and other areas of the 17 company on what would be the next steps to improve 18 the solutions that we had done based on what we had 19 learned from data in the morning. 20 And sometimes things were causal and 21 sometimes things were correlation. Sometimes you 22 could take something that was a correlation and not 23 establish causality. And sometimes there were 24 things that you could connect more tightly with each 25 other and both required different approaches in what</p>
<p style="text-align: right;">Page 846</p> <p>1 BY MS. JONES: 2 Q. Other than what you've just described? 3 MR. CARTMELL: Sorry about that. 4 MS. JONES: That's okay. 5 MR. CARTMELL: Object to the form. Asked 6 and answered. 7 THE WITNESS: I mean, if you say "any" 8 that just -- that opens up a very large universe of 9 things. And I would have to search for other 10 examples. I hope -- like the most relevant one that 11 came to mind, I think it is -- it is very likely 12 that I have done other things, but that's -- this 13 is -- the body of work that's applicable in this 14 context is the one that first comes to mind on that. 15 And I had many years of doing that. 16 Again, every Friday was dedicated to doing 17 that, not just for teenagers, it was also for, like, 18 suicide, for everybody, and in other areas of harm. 19 BY MS. JONES: 20 Q. When you say every Friday was devoted to 21 doing that, what -- let me just make sure I 22 understand kind of what we're talking about. 23 During what -- are you talking about one 24 of your stints at Meta? 25 A. Yeah, what you refer to as Meta 1.</p>	<p style="text-align: right;">Page 848</p> <p>1 we were developing. 2 Q. Were you -- in your -- what we'll refer to 3 as Meta 2, in your second stint with the company 4 from 2019 to 2021, did you ever conduct any kind of 5 analysis to determine whether a relationship was 6 correlative versus causative? 7 A. I tried. But the challenge there was that 8 I couldn't for the -- because of the way things were 9 prioritized, I couldn't get changes to, for example, 10 the reporting flow. 11 In order for the reporting flow to 12 generate information about causality, which it can 13 do -- a reporting flow that's well-designed that's 14 meant to engage with teenagers and ask questions 15 about intensity, allows you to accurately say, yeah, 16 given this piece of content this team had this 17 response and this is how bad it is and that's 18 essential data to do that. 19 And I tried to do that in the documents 20 you see here. I tried to work with the -- that team 21 that was responsible for the reporting tool on 22 Instagram to make those changes, but I couldn't do 23 that. 24 I also tried to change block so that you 25 could block somebody and then provide more context,</p>

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<p style="text-align: right;">Page 849</p> <p>1 which again, will allow you to establish better 2 causation given this interaction, this chat, this 3 person blocked because it was an unwanted advance. 4 So in that context you could have done that 5 analysis. But we couldn't that. We couldn't do 6 those changes. 7 The organization wouldn't prioritize that 8 work. And I believe it was because they were not 9 looking at the data of harm that then you go, like, 10 how do you go from there to -- to product 11 interventions that help establish causality. 12 And so that's why I focused my efforts on 13 the data that would say, given this sort of large 14 bodies of people that are experiencing harm, how do 15 you use that to then guide future changes that then 16 would allow you to establish causality so you can 17 more effectively address the issues. Which I had 18 done in my first stint many times over in different 19 contexts. 20 Q. Mr. Bejar, do you have any advanced 21 degrees in any field of the social sciences? And by 22 that I mean psychology, sociology, economics, any of 23 those areas? 24 A. I do not. 25 Q. Do you know that there are, in fact, at</p>	<p style="text-align: right;">Page 851</p> <p>1 bullying reporting flows. 2 (Whereupon, a brief discussion off the 3 record.) 4 THE WITNESS: Of the teen safety tool that 5 included things that weren't called bullying and 6 harassment but had many categories. So we had these 7 teen safety tools. 8 And so [REDACTED] and [REDACTED] from 9 Yale came in. And part of the reason of having the 10 external scientist to be embedded in the team was so 11 that they could generate datasets that then could be 12 used for peer review in order to publish papers that 13 were well understood about the work that we had 14 done. 15 And we also thought that it was important 16 for these people to be independent from the company 17 so they're not part of the reporting structure of 18 the company because then the -- their academic 19 integrity with regards to the studies that they were 20 doing would be very high because they had to go 21 through all of their external processes for the 22 claims that they were making and all of this sort of 23 review processes that you have just described. 24 And so during my first stint, I supported 25 that kind of independent academic going in and I was</p>
<p style="text-align: right;">Page 850</p> <p>1 Meta individuals who have advanced degrees, 2 including doctorate degrees, in some of those areas? 3 A. Yes, I have worked closely with many of 4 them. 5 Q. Okay. Are you familiar with the term 6 "peer-reviewed literature"? 7 A. Yes. 8 Q. And just so the jury understands, 9 generally speaking, when something is peer-reviewed, 10 it is a piece of work or analysis that is submitted 11 to experts who evaluate the quality of the research. 12 Are you generally familiar with that 13 process? 14 A. I'm actually -- sorry. Go ahead. 15 MR. CARTMELL: Object to the form. 16 THE WITNESS: I am actually very familiar 17 with that process because during my first stint, we 18 brought in these academics with the deep expertise 19 as independent contractors, in the same way that I 20 was brought back in, so that they could have, in a 21 way, that honored privacy and security full access 22 to the data that they would then use with 23 appropriate safeguards to study the impact of the 24 interventions that we were having based on the raw 25 data of the product, for example, details of the</p>	<p style="text-align: right;">Page 852</p> <p>1 very familiar with this process because as a leader 2 responsible for the area, I also wanted to make sure 3 that the full data was available, which is 4 tragically not the case today, for academics to 5 understand how harm actually played out in the 6 product. 7 But that that same data was responsibly 8 exported with the right privacy anonymization, 9 protections against for identification that allow 10 for an effective peer review of the papers that they 11 had published. And there were multiple papers 12 published by independent academics from Yale, and I 13 believe, Berkeley. And I'm forgetting right now the 14 university that we partnered with for the suicide 15 and self-harm work that were a result of this kind 16 of independent expert having access -- whole access 17 to the data. 18 And so yeah, I am very familiar with those 19 processes. 20 BY MS. JONES: 21 Q. You -- would you agree that the 22 peer-review process is an important part of the 23 research and scientific process overall? 24 A. Absolutely. 25 Q. Okay. Have you ever published anything in</p>

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<p style="text-align: right;">Page 853</p> <p>1 the peer-reviewed literature on the subject of teen 2 mental health?</p> <p>3 A. When we did the initial work, I was 4 offered to be one of the authors on some of these 5 papers that other people in the team were. And I 6 declined to do that because I felt that the work, as 7 it continues to be today, wasn't about me. It was 8 about sort of the integrity of the process and the 9 people who were doing, like, the academics that were 10 doing the work, the product managers, the engineers, 11 the data scientists that were on the ground doing 12 that, and I had a very deep and active role within 13 that.</p> <p>14 But, again, it was always from a point of 15 my core expertise is in building safe and secure 16 products and I will defer in particular to external 17 academic experts to their expertise and lifetime of 18 work in the area.</p> <p>19 And I do recall in my second stint having 20 conversations with different Ph.D.-level people that 21 I had also worked with in my first stint.</p> <p>22 I think, for example, [REDACTED] is an 23 example of a name like that. Of course [REDACTED] 24 [REDACTED] who is credibly talented. And having many 25 conversations about how they struggled to do the</p>	<p style="text-align: right;">Page 855</p> <p>1 describing the label of problematic use. 2 I have not.</p> <p>3 MS. JONES: And I'm going to move to 4 strike everything before "I have not."</p> <p>5 Q. Mr. Bejar, you have a website where you've 6 posted various essays with your thoughts on how to 7 address some of the issues you flagged in your 8 deposition testimony when it comes to teenagers and 9 the use of social media, yes?</p> <p>10 A. That is correct.</p> <p>11 Q. You have -- none of those essays have been 12 published in any peer-reviewed journal; is that 13 right?</p> <p>14 A. They have not.</p> <p>15 Q. I think at various points in your 16 deposition you have testified about speaking with 17 parents about some of these issues and I think you 18 specifically have talked about speaking to parents 19 who might have tragically lost their children to 20 suicide.</p> <p>21 Am I correctly recalling that?</p> <p>22 A. Yes.</p> <p>23 Q. Roughly, how many parents have you spoken 24 to about these issues?</p> <p>25 A. Seven.</p>
<p style="text-align: right;">Page 854</p> <p>1 kind of research that they felt was necessary in 2 order to understand the harm that was playing out on 3 the platform as well as understanding sort of the 4 well-being and the positive impacts that the 5 platform had.</p> <p>6 And so I think one of my concerns was, for 7 the internal researchers, is that they didn't feel 8 that they could appropriately study the harms 9 because of the environment that I described in the 10 last couple of days.</p> <p>11 Q. Mr. Bejar, with apologies and with 12 respect, I'm going to move to strike that answer as 13 nonresponsive.</p> <p>14 My question was simply, have you, Arturo 15 Bejar, published in the peer-reviewed literature on 16 the subject of teen mental health?</p> <p>17 A. I was offered to participate in publishing 18 papers around bullying and harassment and issues 19 that were affecting teen well-being. I declined to 20 participate. I am very familiar with the process.</p> <p>21 Q. And have you ever published in the 22 peer-reviewed literature on the subject of addiction 23 or so-called problematic use?</p> <p>24 A. I really appreciate that you called it 25 so-called because I think that's a good way of</p>	<p style="text-align: right;">Page 856</p> <p>1 Q. Seven parents total?</p> <p>2 A. Actually, let me be more specific.</p> <p>3 Q. Okay.</p> <p>4 A. Seven parents who had good cause to 5 believe, rightly so, that it was through Instagram 6 that they have experienced this issues.</p> <p>7 I think that the number of parents that I 8 have spoken to that have experienced these issues on 9 TikTok and on Snapchat is probably closer to 40 10 parents.</p> <p>11 Q. Okay. And just focusing for a moment on 12 the parents you've spoken to on these issues with 13 respect to Instagram, I just want to make sure I 14 understand the number of teens we're talking about.</p> <p>15 Are we talking about a mom and a dad? How 16 does that break down in terms of the actual kids 17 involved?</p> <p>18 A. Yeah, I mean, I have a list -- I don't 19 have it with me -- of the parents with their names 20 and the ages of the kids when they died, the 21 circumstances under which it happened, and the 22 parents' process around it. I think it was probably 23 around six moms and one dad.</p> <p>24 And of the larger group I believe that it 25 was -- there were definitely a lot more dads in the</p>

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<p style="text-align: right;">Page 857</p> <p>1 larger group of kids who have committed suicide, for 2 example, after seeing a challenge on TikTok. And so 3 those were a few dads that I spoke to. 4 Q. Okay. And the conversations that you've 5 had with the six moms and one dad with respect to 6 Instagram, when have you had those discussions? 7 A. I -- my first round of discussions with 8 them was in the early part of -- it was after my 9 testimony on the early part of 2024. I think it was 10 primarily the day that Mark Zuckerberg got -- 11 testified in front of the Senate. I believe that 12 was in March of 2024. 13 And then as part of my preparation for 14 coming here, I sought out parents and I just wanted 15 to make sure that I understood their experience with 16 what happened to their kids and -- and sort of the 17 names and ages of their kids. And I did that in the 18 last month. 19 Q. And I just want to make sure I understand 20 the chronology and the groupings of people that 21 you're talking about. 22 The discussions that you mentioned in 23 terms of starting in early 2024, roughly, and sounds 24 like leading up to right before your deposition, 25 would that have been inclusive of parents who have</p>	<p style="text-align: right;">Page 859</p> <p>1 A. Yes. 2 Q. Okay. Other than BEEFs, have you done a 3 systematic survey with respect to parents of 4 teenagers using social media platforms? 5 A. I mean, the only other thing that 6 immediately comes to mind on this is last summer I 7 was at the Family Online Safety Institute forum that 8 is all sort of safety professionals, and I spoke 9 about parental controls and I asked the audience if 10 anybody in the audience had used Instagram's or 11 their other products' parental controls and found 12 them useful and nobody raised their hand. 13 Q. Okay. Any other examples that you can 14 recall where you've done some kind of systematic 15 survey of parents of teenagers who have used 16 Instagram? 17 A. Not that I can recall. Many conversations 18 with parents, though, over the years. 19 Q. Understood. 20 Mr. Bejar, do you have any formal training 21 or education in survey methods? 22 A. I have many years of experience with -- I 23 managed a team that did that. And I also worked 24 very closely with Dacher Keltner who is a top -- oh, 25 let me spell that out. D-A-C-H-E-R K-E-L-T-N-E-R --</p>
<p style="text-align: right;">Page 858</p> <p>1 had kids who were using Instagram and also parents 2 who had kids who were using TikTok and Snap? 3 A. Yes. 4 Q. Okay. 5 A. The universe of parents was parents 6 that -- whose kids have suffered or lost their lives 7 to social media harms. 8 And then the conversations that I had more 9 recently so I could be fresh and accurate on my 10 details were the parents of kids who lost their 11 lives through interactions that I -- very recently 12 have to do with the way Instagram was designed. 13 Q. And when you say "more recently" you mean 14 the last month? 15 A. That is correct. 16 Q. Other than those conversations that you 17 have described, Mr. Bejar, have you done any kind of 18 broader systematic survey work with respect to 19 parents of teenagers using social media platforms? 20 MR. CARTMELL: Object to the form. 21 THE WITNESS: I've done a broad -- oversaw 22 a broad systematic survey of teenagers and adults 23 experiencing harm on Instagram. 24 BY MS. JONES: 25 Q. Are you referring to BEEFs?</p>	<p style="text-align: right;">Page 860</p> <p>1 who is a professor at Berkeley who has dedicated his 2 life to studying these kinds of issues. 3 And so I've spent significant amount of 4 time with him and with the person who became the 5 head of research at Instagram working on the design, 6 deployment, execution of surveys, what the questions 7 were, sort of methodological considerations around 8 that. 9 And it was always done in partnership 10 between user research and data science so we could 11 make accurate representations of what the survey 12 conveyed. 13 Q. And other than what you've just described, 14 Mr. Bejar, do you have any formal training or 15 education in the survey methods? 16 A. If by formal training you mean did I go to 17 a university and study these areas, I did not. 18 Similar to, like, for example, I did not study 19 computer science but I have been coding since I was 20 ten, and have actually multiple patents on very 21 complex computer science issues. 22 MS. JONES: Okay. I'm going to move to 23 strike everything after "I did not." 24 Q. Mr. Bejar, do you know what an 25 institutional review board is?</p>

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<p style="text-align: right;">Page 861</p> <p>1 A. Yes.</p> <p>2 Q. What is it?</p> <p>3 A. So, for example, when we worked with [REDACTED]</p> <p>4 [REDACTED] from Yale, and this was part of the</p> <p>5 processes we had in place during my first stint, we</p> <p>6 needed to make sure that the studies that we had</p> <p>7 conducted with Yale were cleared by the</p> <p>8 institutional review board of Yale so that we could</p> <p>9 follow the right processes and procedures.</p> <p>10 Q. And have you as -- in any of your roles,</p> <p>11 drafted questions for review by an institutional</p> <p>12 review board?</p> <p>13 A. I have not -- oh, actually, wait. Yes, I</p> <p>14 have because the -- the -- in the work that we did</p> <p>15 with, again, [REDACTED], I did help craft the</p> <p>16 language for those things that then [REDACTED]</p> <p>17 submitted to review on some of the papers that -- I</p> <p>18 don't recall how many of those got published, but I</p> <p>19 was part of that process and I was part of the</p> <p>20 drafting of the questions that went -- that were</p> <p>21 submitted.</p> <p>22 Q. Other than that occasion, have you had</p> <p>23 occasion to draft questions for the institutional</p> <p>24 review board?</p> <p>25 A. If you say occasion as singular, then I</p>	<p style="text-align: right;">Page 863</p> <p>1 BY MS. JONES:</p> <p>2 Q. You've offered a number of opinions, as I</p> <p>3 have heard your testimony, and you can tell me if</p> <p>4 I've gotten this wrong, about what Meta should have</p> <p>5 shared or not with parents about certain issues</p> <p>6 related to their children's use of Instagram.</p> <p>7 Is that a fair summary?</p> <p>8 A. Absolutely.</p> <p>9 Q. Okay. Are you offering views as an expert</p> <p>10 on warnings that should be associated with products?</p> <p>11 MR. CARTMELL: Object to the form.</p> <p>12 THE WITNESS: I'm offering views as an</p> <p>13 expert with actually a track record of essential</p> <p>14 transparency when it came to issues of suicide, harm</p> <p>15 teenagers were experiencing in the product, as well</p> <p>16 as many other kinds of harms that were regularly</p> <p>17 presented publicly in events sponsored by the</p> <p>18 company, ended up in papers that were peer-reviewed</p> <p>19 and went through the processes that you just</p> <p>20 described, and also were shared with other companies</p> <p>21 in great detail because the topic of safety was</p> <p>22 something that was essential to the industry.</p> <p>23 BY MS. JONES:</p> <p>24 Q. Let me just -- and I'm not trying to give</p> <p>25 you a hard time. I just want to make sure I</p>
<p style="text-align: right;">Page 862</p> <p>1 would say yes, I believe I have done that on</p> <p>2 multiple occasions. As far as I can recall right</p> <p>3 now, in the context of the papers that [REDACTED]</p> <p>4 published and, say, sort of think about it, it's</p> <p>5 likely that I did that as well in the papers that</p> <p>6 Dacher Keltner worked to publish.</p> <p>7 But, again, this work was some time ago</p> <p>8 and I don't recall which papers eventually got</p> <p>9 published but I was part of the process of how the</p> <p>10 work was going to be studied within the context of</p> <p>11 Facebook, also because there's a lot of</p> <p>12 responsibility on how you do that in the context of</p> <p>13 a social media product. And so that was -- I was</p> <p>14 responsible for that part.</p> <p>15 Q. And, Mr. Bejar, if we were to do a</p> <p>16 literature search across the peer-reviewed</p> <p>17 literature on teen well-being issues, would we find</p> <p>18 any articles on which you are an author or coauthor?</p> <p>19 MR. CARTMELL: Object to the form.</p> <p>20 THE WITNESS: As I believe I've already</p> <p>21 said, I was offered and I declined because, again,</p> <p>22 the work was about the work, and at that point, I</p> <p>23 had, like, all kinds of recognition in different</p> <p>24 contexts and I didn't think it was appropriate.</p> <p>25 ///</p>	<p style="text-align: right;">Page 864</p> <p>1 understand the answer to my original question.</p> <p>2 Are you offering views as an expert on</p> <p>3 whether a warning should be associated with a</p> <p>4 certain product?</p> <p>5 MR. CARTMELL: Object to the form.</p> <p>6 THE WITNESS: I deeply believe that</p> <p>7 Instagram, as implemented today and as evidenced by</p> <p>8 the videos and all of my testing of safety features,</p> <p>9 needs warnings because parents have no idea what</p> <p>10 they're handing their kids when they hand their kids</p> <p>11 a phone and tell them it's okay to open an Instagram</p> <p>12 account.</p> <p>13 BY MS. JONES:</p> <p>14 Q. Have you ever been responsible for</p> <p>15 deciding what kind of -- and by "what kind of," I</p> <p>16 mean what specific language in a warning should be</p> <p>17 associated with the product or a service?</p> <p>18 A. I have been involved many times in the</p> <p>19 case of, sort of, security incidents on the language</p> <p>20 that can -- that talks about what the product</p> <p>21 accurately describes as what it does do and it</p> <p>22 doesn't do.</p> <p>23 And so I definitely since my time at</p> <p>24 Yahoo! and during my first stint at Facebook, upon</p> <p>25 external inquiry and conversations with the press, I</p>

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<p style="text-align: right;">Page 865</p> <p>1 would help craft the language that accurately 2 described what the product did do and did not do. 3 Q. Let me ask you this and for the moment I'm 4 just asking yes or no and then I will give you a 5 chance to explain. 6 Have you come up with a specific warning 7 that you believe should be associated with 8 Instagram? 9 MR. CARTMELL: Object to the form. And 10 move to strike the statement of counsel. 11 BY MS. JONES: 12 Q. Let me ask a better question. 13 A. Let me actually answer your question. 14 Q. Well, no -- I'm going to withdraw my 15 question because I can ask a better one. 16 Mr. Cartmell can make his objection, but I'm going 17 to ask you a different question. 18 My question is, before you got to your 19 deposition on Monday, had you formulated the 20 language of a specific warning that you believe 21 should be associated with Instagram? 22 MR. CARTMELL: Same objections. 23 THE WITNESS: I believe so. 24 BY MS. JONES: 25 Q. Did you write it down anywhere?</p>	<p style="text-align: right;">Page 867</p> <p>1 e-mail to be able to authoritatively say that -- I 2 mean, this is something that I have been saying, 3 and, again, I would need to search my e-mail to see 4 if I wrote it, in particular after I did my 5 initial -- both from the initial findings, which are 6 of BEEF, which are bad enough to necessitate a 7 warning. But most particularly, after I experienced 8 the content and the kind of contact I saw in the 9 product through the testing that I did. 10 Q. If you find that you have somewhere 11 written down a specific warning that Instagram is 12 not safe for a 13-year-old, may I have your 13 agreement that you will produce that because I do 14 think it's responsive to the subpoena that you've 15 been served with. 16 A. I would look to my counsel for guidelines 17 on any such matters. 18 MR. WARD: I don't believe it is 19 responsive but I would be happy for counsel to point 20 out where that is requested and if it is, we will 21 produce it. 22 MS. JONES: Okay. And if it exists we 23 will look to receive it. 24 Q. All right. Now, you said that the warning 25 that should be applied is that -- actually, let me</p>
<p style="text-align: right;">Page 866</p> <p>1 A. I would have to search my e-mail but in 2 many conversations I have had with reporters I have 3 said that Instagram, as it is designed today, is not 4 safe for a 13-year-old. And I believe that 5 accurately describes a warning that I believe should 6 be on Instagram as it is designed today. 7 Q. And let me make sure I understand. 8 Your testimony is that it's possible that 9 somewhere you have written down the specific 10 language of a warning that you think should be 11 associated with Instagram? 12 A. I believe that in conversations that I've 13 had with reporters, and, again, I don't know if 14 that's in testimony or not, I have said several 15 times, and I will say this today under oath, that 16 Instagram, as currently implemented, is not safe 17 enough for a 13-year-old. And I believe that is a 18 warning and I believe that should be in the product. 19 And I believe parents should know this. 20 Q. I understand you've had conversations on 21 this point. My question is really more focused on 22 whether you have -- you think you might have 23 documented somewhere in writing that that language 24 needed to appear on Instagram? 25 A. I believe that I would need to look at my</p>	<p style="text-align: right;">Page 868</p> <p>1 back up a moment. 2 You wrote very specific e-mails to Adam 3 Mosseri and Sheryl Sandberg and Mark Zuckerberg in 4 the fall of 2021; is that right? 5 A. That is correct. 6 Q. And in those e-mails, which you've been 7 shown by counsel, you laid out your thinking around 8 things that the company should do differently and 9 better to reduce harms to young people, right? 10 MR. CARTMELL: Object to the form. 11 THE WITNESS: In that the e-mails had 12 different components. Some of it was my 13 recommendations about actions to the company. Other 14 components of it included data that had been 15 developed by the well-being team. And in 16 particular, the data around the ratio of bad 17 experiences to reports to content action. 18 And then there was also the data from the 19 BEEF survey. And so I do not consider those things 20 to be my opinion at all. I think those things are 21 sort of ground truth of -- as studied by Instagram's 22 own team of harm as it happens in the product. And 23 so -- and I believe I also included some recounting 24 of firsthand experiences with my daughter as well. 25 ///</p>

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<p style="text-align: right;">Page 869</p> <p>1 BY MS. JONES: 2 Q. Okay. Did you, in any of those 3 communications in the fall of 2021, communicate to 4 Mr. Mosseri -- actually, let me take another step 5 back. 6 At what point exactly did you reach the 7 conclusion that Instagram was not safe for a 8 13-year-old? 9 MR. CARTMELL: Objection. Asked and 10 answered. 11 THE WITNESS: When I realized that the 12 executive team, as you just described it, the people 13 I sent the e-mail to, were aware of their reach of 14 the harms that had -- just talked about and about 15 the inadequacy of prevalence of successfully 16 mitigating the harm that people were experiencing. 17 My experience in the industry when it came 18 to these kinds of issues for all of the time that I 19 had been working, especially my time at Yahoo! and 20 my first stint at Meta, is that you -- if the 21 executive doesn't know about an issue, the 22 responsibility is to bring it to their attention. 23 That's my responsibility. 24 And their responsibility is to initiate 25 meaningful efforts to understand, address, and</p>	<p style="text-align: right;">Page 871</p> <p>1 parents and I looked at the data, and I also looked 2 at the safety features that were being announced, I 3 just -- each time these things happened -- and I 4 would -- I want to say for the record, it's so 5 important, I would deeply love to be able to say, 6 like, I think it's important to have a product that 7 is safe for a 13-year-old that's designed with them 8 in mind that helps them when they experience harm 9 that has impeccable transparency about the harms 10 that they experience and that works in full 11 transparency with academics as to those harms with 12 the kind of processes that you described. 13 And in the absence of that, I have come to 14 this conclusion and is that the only warning, I 15 don't know. I mean, that there's people with 16 expertise as to how these things apply. But if the 17 bottom line is should people be warned as things 18 stand today, I would say absolutely. 19 BY MS. JONES: 20 Q. And, Mr. Bejar, the specific warning that 21 you, I think, described was that Instagram is not 22 safe for a 13-year-old? 23 A. Yes. 24 Q. Am I recalling that correctly? 25 MR. CARTMELL: Object to form.</p>
<p style="text-align: right;">Page 870</p> <p>1 reduce those things effectively. And as long as you 2 do that, when you first learn of harm and then you 3 act on it, then generally it's okay. It's like -- 4 and so when I first testified for the FTC, it became 5 very clear to me at that point in time that even 6 though there was material, meaningful data of harm 7 experienced by people in the product, and knowing 8 how fast the company is able to deploy changes when 9 it is a priority, like lots of firsthand experience 10 and knowledge of that, by the time I testified, the 11 company had not deployed any visible changes that 12 would have reduced the harms. Then I went and 13 tested and I found the harms. And so faced with the 14 company that given material data of harm doesn't act 15 on it, I believe that warning like that is 16 absolutely necessary. 17 BY MS. JONES: 18 Q. So you concluded that that warning should 19 be attached to Instagram after your deposition in 20 February of 2023? 21 MR. CARTMELL: Object to the form. 22 Mischaracterizes. 23 THE WITNESS: I -- I mean, these things 24 are a process over time, and I think that throughout 25 2023 and in the beginning of 2024, as I talked to</p>	<p style="text-align: right;">Page 872</p> <p>1 Mischaracterizes. 2 BY MS. JONES: 3 Q. What about for a 14-year-old? 4 A. It's not safe for a 14-year-old. I would 5 say probably under 16 is -- it's -- yeah, it's 6 pretty -- it's pretty grim. 7 Q. Mr. Bejar, do you have any kind of 8 regulatory background? And by that I mean have you 9 ever worked for any kind of regulatory agency? 10 A. In my -- in my work at Yahoo! and in my 11 work for Meta, I regularly interfaced -- was the 12 interface for the -- on the company's behalf with 13 different regulatory agencies, including, for 14 example, giving a talk to all of Facebook 15 engineering about the critical things that you have 16 to do to avoid an FTC consent decree. That was 17 hosted by Mike Schroepfer, the CTO. 18 Q. Okay. And just to bring you back to my 19 question, have you ever -- and let me be a little 20 bit more precise in my question. 21 Have you ever been employed by any 22 regulatory agency? 23 A. I have not been employed by a regulatory 24 agency. 25 Q. And on this issue of warnings, you have</p>

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<p style="text-align: right;">Page 873</p> <p>1 suggested, at least one, that Instagram is not safe 2 for a 13-year-old. 3 Have you done any kind of systematic 4 survey work of parents to evaluate whether that 5 warning would change decision-making with respect to 6 whether parents allow a teenager to use Instagram or 7 not? 8 MR. CARTMELL: Object to the form. 9 Mischaracterizes his testimony. 10 THE WITNESS: I mean, isn't, like, really 11 that the work, right? I mean, I wish that 12 Instagram's parents product -- the parental control 13 products adequately described to parents the harms. 14 And that in a way that I know Instagram and Meta can 15 do would study the effects of sort of the warnings 16 and behaviors and conversations to really create a 17 product that helps inform parents about the harms, 18 rather than as the parental controls sort of press 19 releases say, so that parents don't have to worry 20 about the content and contact that their kids 21 experience. 22 We have done all of this work. And so I 23 really wish that there was a team dedicated at 24 effectively warning parents. I have done 25 significant work in effective security notices and</p>	<p style="text-align: right;">Page 875</p> <p>1 you're asking? 2 BY MS. JONES: 3 Q. Yes. 4 A. I have not. 5 Sorry, how long have we been going? 6 MS. JONES: I don't recall. We can take a 7 break here. I actually just have a little bit in 8 this section left and then we -- that would be a 9 logical breaking point. But if you need a break 10 right this moment we can take a break right this 11 moment. 12 THE WITNESS: Let's go a little longer. 13 I'm just sort of flagging. It's kind of been a 14 little while. 15 MS. JONES: I'm -- when I get to the 16 bottom of this page we'll take a break. Does that 17 work? 18 THE WITNESS: Thank you. 19 MS. JONES: Okay. Is that okay with you, 20 Madam Court Reporter? 21 (Whereupon, a brief discussion off the 22 record.) 23 BY MS. JONES: 24 Q. Mr. Bejar, as I understand your testimony, 25 in a variety of settings with respect to your</p>
<p style="text-align: right;">Page 874</p> <p>1 see what drives behavior or not. And so that's an 2 area where I have experience -- 3 BY MS. JONES: 4 Q. Well -- 5 A. -- in the context of Meta and Facebook -- 6 I'm sorry -- and Yahoo! 7 Q. My specific question, Mr. -- and let me 8 actually take a step back. 9 You testified under questioning by 10 Mr. Cartmell and Mr. Phelps Monday and yesterday, 11 right? 12 A. Correct. 13 Q. And during the course of that testimony, I 14 don't have a recollection, and you can tell me if 15 I'm wrong about this, of you sharing any data from 16 survey or other research that you had done to 17 determine whether a warning to parents would change 18 their behavior with respect to whether they permit 19 their teenagers to use Instagram. 20 Have you done such work? 21 MR. CARTMELL: Object to the form. 22 Mischaracterizes. 23 THE WITNESS: If the question is have I 24 done a systematic survey of parents to establish how 25 they would respond to a warning? Is that what</p>	<p style="text-align: right;">Page 876</p> <p>1 daughter's experience on Instagram, you were 2 concerned about some of the things that she 3 encountered on the platform. 4 Is that a fair characterization? 5 A. Yes. And the lack of support -- 6 Q. Understood. 7 A. -- that she got. 8 Q. Okay. 9 A. Or help. 10 Q. Sure. 11 And to the extent that you've offered 12 views on how to fix or address some of the issues 13 that your daughter might have experienced on 14 Instagram, are those your opinions? 15 A. I just want to say "daughter might have 16 experienced" -- 17 Q. And let me just stop. I was not 18 suggesting that your daughter did not have those 19 experiences. 20 A. Thank you. 21 Q. I don't want to get hung up on that. 22 A. That is very important. 23 Q. Yeah, let me take a step back. 24 To the extent that you have thoughts or 25 views on what your daughter experienced on</p>

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<p style="text-align: right;">Page 877</p> <p>1 Instagram, those are your opinions, correct?</p> <p>2 MR. CARTMELL: Object to the form.</p> <p>3 THE WITNESS: Sorry. I find the question</p> <p>4 confusing. Could you please repeat it?</p> <p>5 BY MS. JONES:</p> <p>6 Q. Certainly. If I can find it. Hold on.</p> <p>7 To the extent that you have thoughts or</p> <p>8 views that you've shared on what your daughter</p> <p>9 experienced on Instagram, those are your opinions;</p> <p>10 is that right?</p> <p>11 MR. CARTMELL: Same objection.</p> <p>12 Mischaracterizes.</p> <p>13 THE WITNESS: I'm sorry. Are you saying</p> <p>14 that the thoughts that I have offered about my</p> <p>15 daughter's experience on Instagram, it's my opinion</p> <p>16 that that was my daughter's experience?</p> <p>17 BY MS. JONES:</p> <p>18 Q. No. And you know what, my question was</p> <p>19 not well framed.</p> <p>20 A. Thank you.</p> <p>21 Q. To the extent that you've offered views on</p> <p>22 how to address some of the issues that your daughter</p> <p>23 experienced on Instagram, are those your opinions?</p> <p>24 MR. CARTMELL: Same objections.</p> <p>25 THE WITNESS: So -- so I think it's</p>	<p style="text-align: right;">Page 879</p> <p>1 your questions.</p> <p>2 BY MS. JONES:</p> <p>3 Q. I want to make sure of that, too, so I</p> <p>4 appreciate the courtesy.</p> <p>5 Mr. Bejar, has any court ever determined</p> <p>6 that you are qualified as an expert to offer</p> <p>7 opinions on the issues you've testified about for</p> <p>8 the last two days?</p> <p>9 MR. CARTMELL: Object to the form.</p> <p>10 THE WITNESS: I mean, my experience</p> <p>11 testifying on this is like FTC deposition, the</p> <p>12 Tennessee Senate Judiciary Committee, and here. And</p> <p>13 I don't have sort of term of art knowledge of how</p> <p>14 the court sees me.</p> <p>15 BY MS. JONES:</p> <p>16 Q. Okay. Well --</p> <p>17 A. Because I know these are special words</p> <p>18 with very specific meaning.</p> <p>19 Q. Sure.</p> <p>20 And I'm just asking as a factual matter,</p> <p>21 do you know if in any proceeding a court has</p> <p>22 determined that you are qualified as an expert to</p> <p>23 offer opinions on these issues?</p> <p>24 MR. CARTMELL: Same objection.</p> <p>25 THE WITNESS: I'm not aware if I have or I</p>
<p style="text-align: right;">Page 878</p> <p>1 important to say daughter experienced, then sort of</p> <p>2 lifetime of expertise building products that help</p> <p>3 identify and reduce these harms, opinions, right.</p> <p>4 Because I'm not doing this -- my daughter is 20 now</p> <p>5 and she is doing well and I'm so grateful that she</p> <p>6 could talk to me about these experiences.</p> <p>7 Because I shudder to think all of the</p> <p>8 kids, given the BEEF results, that are having these</p> <p>9 experiences that don't talk to their parents or</p> <p>10 someone they trust about it, I think that's</p> <p>11 incredibly harmful. And that was backed up by the</p> <p>12 very early knowledge about how harm impacts teens.</p> <p>13 But the suggestions and opinions are not</p> <p>14 about my daughter. They are about how you would</p> <p>15 generally measure and understand unwanted sexual</p> <p>16 advances. What would be product interventions that</p> <p>17 would establish causal data between a piece of</p> <p>18 content and a teenager telling you that they are</p> <p>19 experiencing an unwanted sexual advance. And</p> <p>20 then -- and then sort of the remediation factors</p> <p>21 that would reduce that harm.</p> <p>22 And so -- I mean, there is -- I want to be</p> <p>23 mindful of time. There's I think a very relevant</p> <p>24 example that I can offer but I will stop here</p> <p>25 because I want to make sure you get through all of</p>	<p style="text-align: right;">Page 880</p> <p>1 haven't.</p> <p>2 MS. JONES: Okay. Why don't we take a</p> <p>3 break.</p> <p>4 THE VIDEOGRAPHER: Time is 11:11. We're</p> <p>5 off the record.</p> <p>6 (Whereupon, a brief recess was taken.)</p> <p>7 THE VIDEOGRAPHER: Time is 11:32. We're</p> <p>8 back on the record.</p> <p>9 BY MS. JONES:</p> <p>10 Q. Mr. Bejar, welcome back.</p> <p>11 Let me -- can I ask you to grab what</p> <p>12 should be in your stack as Exhibit Number 49. I</p> <p>13 just wanted to follow up on one quick thing.</p> <p>14 (Whereupon, Meta-Bejar Exhibit 49 having</p> <p>15 been previously marked, was introduced.)</p> <p>16 BY MS. JONES:</p> <p>17 Q. This is the e-mail exchange that I believe</p> <p>18 Mr. Phelps showed you yesterday related to the</p> <p>19 oversight board?</p> <p>20 A. That is correct.</p> <p>21 Q. Okay. And the date of at least the</p> <p>22 most -- the latest e-mail appears to be -- well, it</p> <p>23 generally is in the September 2024 time range; is</p> <p>24 that right?</p> <p>25 You can flip through and see if you'd like</p>

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<p style="text-align: right;">Page 881</p> <p>1 to...</p> <p>2 A. That is correct.</p> <p>3 Q. Okay. I wanted to ask you specifically</p> <p>4 about -- and just to remind the jury, you did a</p> <p>5 presentation for Meta's oversight board in the fall</p> <p>6 of 2024; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And how did that come about?</p> <p>9 A. Manu reached out to me.</p> <p>10 (Whereupon, a brief discussion off the</p> <p>11 record.)</p> <p>12 THE WITNESS: [REDACTED] with</p> <p>13 whom I had done a prior -- I had done a prior</p> <p>14 engagement for the oversight board.</p> <p>15 BY MS. JONES:</p> <p>16 Q. What was the prior engagement with the</p> <p>17 oversight board?</p> <p>18 A. I helped the oversight board opinion as a</p> <p>19 technical consultant around CrossCheck.</p> <p>20 Q. Had you had any other engagements with the</p> <p>21 oversight board?</p> <p>22 A. No.</p> <p>23 Q. Can you turn for me -- and this,</p> <p>24 Exhibit Number 49, is a document that your counsel</p> <p>25 produced on your behalf, right?</p>	<p style="text-align: right;">Page 883</p> <p>1 Q. What offer had you made -- well -- let me</p> <p>2 start by asking.</p> <p>3 Do you know what he's referring to there?</p> <p>4 A. Yes.</p> <p>5 Q. What offer had you made?</p> <p>6 A. Manu asked me if I was willing to talk --</p> <p>7 Manuel Parra, Mr. Parra, asked me if I was willing</p> <p>8 to talk to the oversight board about these issues.</p> <p>9 And I offered to do that.</p> <p>10 Q. When did he ask you that?</p> <p>11 A. I don't recall.</p> <p>12 Q. But it was before September 4th, 2024?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know how far in advance of that it</p> <p>15 was?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you know in what setting he made that</p> <p>18 request?</p> <p>19 A. I don't recall.</p> <p>20 Q. And do you know what prompted his request</p> <p>21 for that?</p> <p>22 A. I do not.</p> <p>23 Q. Okay. And just so the jury understands,</p> <p>24 you are not a member of Meta's oversight board, are</p> <p>25 you?</p>
<p style="text-align: right;">Page 882</p> <p>1 A. Correct.</p> <p>2 Q. Can you turn for me to the page that</p> <p>3 ends -- if you're looking in the upper right-hand</p> <p>4 corner -- dot 135.</p> <p>5 A. Yes.</p> <p>6 Q. And down at the bottom of that page, there</p> <p>7 is an e-mail from -- how do you pronounce the last</p> <p>8 name?</p> <p>9 A. Parra.</p> <p>10 Q. Parra. Okay.</p> <p>11 An e-mail from Mr. Parra dated</p> <p>12 September the 4th, 2024, right?</p> <p>13 A. Correct.</p> <p>14 Q. And he writes to you, "Hi Arturo, Hope</p> <p>15 this e-mail finds you well! It's been a long time</p> <p>16 since we last chatted but this is a direct follow up</p> <p>17 to the offer you made a while back on engaging with</p> <p>18 the Board on all your work/views on teen mental</p> <p>19 health."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And I want to just focus your attention on</p> <p>23 that reference to "this is a direct follow up to the</p> <p>24 offer you made a while back."</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 884</p> <p>1 A. I am not.</p> <p>2 Q. Have you ever been a member of the</p> <p>3 oversight board?</p> <p>4 A. I have not.</p> <p>5 Q. You can put that to the side.</p> <p>6 A. Okay.</p> <p>7 Q. Mr. Bejar, do you agree that social</p> <p>8 media -- and I'm not just talking about Instagram.</p> <p>9 I'm talking about social media broadly -- can have</p> <p>10 benefits?</p> <p>11 A. Yes.</p> <p>12 Q. And do you agree that social media can</p> <p>13 have benefits for younger users, including</p> <p>14 teenagers?</p> <p>15 A. Yes.</p> <p>16 Q. Social media can be a valuable source of</p> <p>17 community for teenagers; is that fair?</p> <p>18 A. Yes, that's fair.</p> <p>19 Q. And that's -- that can be the case for</p> <p>20 teenagers who might be part of a marginalized</p> <p>21 community, right?</p> <p>22 A. Yes, that is correct. And one of the most</p> <p>23 disturbing findings when I started working for</p> <p>24 Instagram is that Instagram was aware of people in</p> <p>25 marginalized communities, being LGBTQ people and</p>

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<p style="text-align: right;">Page 885</p> <p>1 people of color, experiencing harm through the 2 product and they were not doing work to address it. 3 That must have been in, like, almost like 4 the first week or two because we were talking about 5 creators of color experiencing racism and threats 6 and creators that were LGBTQ experiencing threats on 7 Instagram. That was probably within the first week 8 or two of my second stint. 9 MS. JONES: Okay. And, again, with 10 respect, I'm going to move to strike everything 11 after "Yes, that is correct." 12 Q. Social media can be a place for creative 13 expression for young people, including teenagers? 14 A. Yes, it can be. 15 Q. Social media can be a place where young 16 people, including teenagers, can have an opportunity 17 to stay in touch with friends and family and other 18 loved ones, right? 19 A. Yeah, at best, it is. 20 Q. And social media can have an educational 21 role for young people depending on what they're 22 interested in? 23 A. Man, it could, but that education question 24 in the context of the videos I shared. Oof. It 25 can, actually. And that's why that's such an</p>	<p style="text-align: right;">Page 887</p> <p>1 at those ages, I would need to spend more time with 2 people that have good -- like [REDACTED] from 3 Yale and [REDACTED] from Yale to discuss. People 4 that have studied those issues for that age bracket. 5 BY MS. JONES: 6 Q. So as to my question on whether Instagram 7 is safe as it is today for kids or teenagers who are 8 16, it sounds like maybe, maybe not? 9 MR. CARTMELL: Object to the form. 10 BY MS. JONES: 11 Q. Or "I'm not sure." 12 A. Again, it feels like you're putting words 13 in my mouth there. 14 Q. That's truly not my intention. I'm just 15 trying to make sure I understand kind of what your 16 view is on that question. 17 A. Yeah, more diligence is needed. 18 Q. Okay. 19 A. From my perspective. 20 Q. Okay. And what about with respect to 21 teenagers who are 17, is Instagram as it's currently 22 designed safe for teenagers who are 17? 23 MR. CARTMELL: Object to the form. 24 THE WITNESS: I would say more diligence 25 on my part is needed to be able to have a</p>
<p style="text-align: right;">Page 886</p> <p>1 important responsibility, like, what is the videos 2 that you're recommending, teaching the teens that 3 see them. 4 Q. Okay. And you testified earlier that you 5 have come to the conclusion that Instagram is not 6 safe for a 13-year-old, a 14-year-old, or a 7 15-year-old; is that right? 8 MR. CARTMELL: Object to the form. 9 Well -- object to the form. Sorry. 10 THE WITNESS: I believe that Instagram as 11 it's designed today, with the features it has today, 12 is not safe for kids 16 and under. 13 BY MS. JONES: 14 Q. So is Instagram safe as it exists today 15 for kids who are 16? 16 MR. CARTMELL: Object to the form. Asked 17 and answered. 18 Did you say 16? 19 MS. JONES: I did. 20 THE WITNESS: I thought I had answered 21 that. 22 But I think once you get to 16 and 17, 23 things really start changing developmentally and so 24 it's a different conversation than the one that is 25 really sort of 13 to 15, maybe 16. I think to look</p>	<p style="text-align: right;">Page 888</p> <p>1 well-formed opinion about that. 2 BY MS. JONES: 3 Q. Okay. And I think you've already told us 4 that you, yourself, use social media, right? 5 A. Yes. 6 Q. You have a Facebook account, yes? 7 A. Yes. 8 Q. You have had one since 2009, I think was 9 your testimony yesterday, right? 10 A. Yes. 11 Q. And I think you also testified that at 12 least as early as 2015 you have had an Instagram 13 account, right? 14 A. Yes. 15 Q. Is your Instagram account public? 16 A. Yes. 17 Q. And has it ever been the case -- and 18 forgive me, I may be asking you a question I asked 19 yesterday. Charge it to my head, not my heart, 20 because I just don't remember. 21 Has it ever been the case since 2009 that 22 you ever closed your account on either Facebook or 23 Instagram? 24 A. I have not. 25 Q. And --</p>

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<p style="text-align: right;">Page 889</p> <p>1 A. It is -- it is a good way for me to keep 2 in touch, primarily with the people that I worked 3 with at Facebook because those are the only people 4 that are left on the Facebook side. 5 And on Instagram, it is a place where I 6 put my photographic work. I really don't talk about 7 that because it's stuff that I -- 8 Q. And I apologize. I didn't hear what you 9 said before "stuff." "I really don't talk about" -- 10 what stuff? I -- 11 A. Oh, advocacy. 12 Q. Advocacy. Got it. 13 A. So I -- Instagram, I've been posting 14 photographs that I make on Instagram primarily of 15 squirrels and birds for a long time. 16 Q. Okay. And -- 17 A. And flowers. 18 Q. Which all sound wonderful. 19 A. And [REDACTED]. 20 Q. And [REDACTED] -- yes. 21 (Whereupon, a brief discussion off the 22 record.) 23 BY MS. JONES: 24 Q. We could play a drinking game with the 25 name [REDACTED], I suspect, by the time this</p>	<p style="text-align: right;">Page 891</p> <p>1 Q. Okay. But in the last six months or so? 2 A. Yes. 3 Q. But otherwise, you have never determined 4 that the company's negligence is such that you think 5 you should discontinue using the services? 6 A. I think it's important for what I do to -- 7 to both have my vantage point on the services so 8 kind of used them intentionally as I have and -- and 9 so to see what that experience is like. 10 There's also ex-employee forums and other 11 things that I value from that in terms of the things 12 that you described. 13 And also, there are things that I really 14 value in what Instagram provides. And if the 15 question is, is there good in social media and do I 16 appreciate and partake in that, yes, I do. 17 It's just my strongly held view that the 18 harm is not necessary to it and that the harm is 19 preventable and that they have been negligent in 20 understanding and mitigating the harm. 21 But I have chosen to continue using 22 Facebook and have chosen to continue using Instagram 23 and WhatsApp because they play a role in my life, as 24 my daughter also continues to use Instagram as it 25 plays a role in her life.</p>
<p style="text-align: right;">Page 890</p> <p>1 deposition is over. We will all know who [REDACTED] 2 [REDACTED] is. 3 Let me ask you, you testified yesterday 4 that you believe that Meta as a company has been 5 negligent with respect to teen well-being and child 6 safety issues. 7 Do I recall that correctly? 8 A. Yes. 9 Q. Okay. And notwithstanding that testimony, 10 you have never decided, I'm done using these 11 services because I believe the company is negligent? 12 A. No, I mean, I think that the one thing I 13 did do is I unfriended Mark Zuckerberg that I had 14 been friends with since 2009 because I just -- I 15 thought it was -- I saw the posts that he would make 16 about these issues and I found them distressing. 17 Q. Okay. So you unfriended Mr. Zuckerberg. 18 When did that happen? 19 A. The last few months, I don't recall the 20 exact date. 21 Q. When you say "the last few months," do you 22 mean early 2025, late 2024? 23 A. I would say yeah. 24 Q. Yeah as to which one, late 2024, early -- 25 A. I don't recall the specific date.</p>	<p style="text-align: right;">Page 892</p> <p>1 Q. Understood. 2 And I am going to have some questions 3 about your daughter. 4 So sitting here today, you still have a 5 Facebook account, you still have an Instagram 6 account, right? 7 A. Correct. 8 Q. And you still get value out of both of 9 those, right? 10 A. I do. 11 Q. And, in fact, after you testified before 12 Congress in November 2023, a couple days later you 13 posted on Instagram. 14 Do you remember that? 15 A. Yes. 16 Q. When was the last time you checked your 17 Instagram account? 18 A. Probably, like, two or three days ago, but 19 it might have been yesterday. Definitely not today. 20 I don't think yesterday. But I'm not totally sure. 21 But within the last week. 22 Q. Okay. I can't remember, Mr. Bejar, when 23 you testified before Congress, did you mention that 24 on that very day you still had both an Instagram and 25 a Facebook account?</p>

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<p style="text-align: right;">Page 893</p> <p>1 A. I don't think I said that.</p> <p>2 Q. Do you remember whether you told the</p> <p>3 senators, "I'm going to walk out of this senate</p> <p>4 chamber and I'm going to post on the platform the</p> <p>5 same way I've been doing for many years now"?</p> <p>6 A. I mean, I'm not 13, and I think I was</p> <p>7 50-something at the time. And so, yeah, I thought</p> <p>8 it was good for me to be using the products</p> <p>9 intentionally.</p> <p>10 I also -- I think sometime after that, I</p> <p>11 don't recall the exact date, posted on the</p> <p>12 ex-employee Facebook group, an "ask me anything"</p> <p>13 because I just wanted to be open with people. The</p> <p>14 feedback group, which includes employees, I just</p> <p>15 wanted to be open if people have questions for me</p> <p>16 about what I had done.</p> <p>17 Q. Sure. Understood on all.</p> <p>18 My question was, do you remember whether</p> <p>19 you told the senators before whom you testified in</p> <p>20 2023, "Despite everything I said to you, I'm going</p> <p>21 to leave this chamber and continue using the</p> <p>22 Instagram platform"?</p> <p>23 A. I don't believe I said that sentence to</p> <p>24 the senators.</p> <p>25 Q. You have used Instagram to support</p>	<p style="text-align: right;">Page 895</p> <p>1 Instagram, I very frequently, and I wish I could do</p> <p>2 this as a default, go to the feed of the people I</p> <p>3 follow. I don't know why I have to select that</p> <p>4 every time I open the app because what I'm</p> <p>5 interested in is in the content that the people I</p> <p>6 follow have created.</p> <p>7 Q. How long were you on TikTok?</p> <p>8 A. I don't recall.</p> <p>9 Q. Do you remember when you -- well -- let me</p> <p>10 take a step back.</p> <p>11 Did you close your TikTok account or did</p> <p>12 you just stop using it?</p> <p>13 A. I think I might have closed it. But I</p> <p>14 don't recall. Like, I found it very -- for the same</p> <p>15 reason I don't like spending time in Reels as an</p> <p>16 adult, that format is just -- really doesn't work</p> <p>17 for me.</p> <p>18 Q. Okay. What about Snapchat, do you use</p> <p>19 Snapchat?</p> <p>20 A. No, I don't use Snapchat.</p> <p>21 Q. Have you ever used Snapchat?</p> <p>22 A. No, I don't -- have never used Snapchat,</p> <p>23 although I have had many conversations with</p> <p>24 different teens and have -- and understand their</p> <p>25 experiences with harm on those platforms at a level</p>
<p style="text-align: right;">Page 894</p> <p>1 business ventures that you personally or some of</p> <p>2 your family members are involved in?</p> <p>3 A. Yes.</p> <p>4 Q. You have -- you're somehow connected with</p> <p>5 something called the [REDACTED]</p> <p>6 A. Yes.</p> <p>7 Q. Tell the jury what that is.</p> <p>8 A. My sister moved to the US and acquired</p> <p>9 this bakery in Carmel Valley and has been doing an</p> <p>10 absolutely wonderful job of creating a great</p> <p>11 environment there. And I've exhibited my</p> <p>12 photographs there. There's one exhibit right now.</p> <p>13 Q. Do -- I think you mentioned you use</p> <p>14 WhatsApp; is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you use Messenger?</p> <p>17 A. Very rarely these days. I used to a lot.</p> <p>18 Q. Do you use TikTok?</p> <p>19 A. I did for a little while but I stopped</p> <p>20 using it.</p> <p>21 Q. Why is that?</p> <p>22 A. For the same reason, as an adult I really</p> <p>23 don't like spending time in Reels. I like to be</p> <p>24 very intentional about my social media use.</p> <p>25 And so, for example, when I open</p>	<p style="text-align: right;">Page 896</p> <p>1 of those conversations. But it's not as if I have</p> <p>2 opened the application and have known it and then</p> <p>3 tested it methodically.</p> <p>4 Q. Do you use YouTube?</p> <p>5 A. Yes.</p> <p>6 Q. How long have you been using YouTube?</p> <p>7 A. For as long as I can recall.</p> <p>8 Q. Do you use LinkedIn?</p> <p>9 A. Yes, I do.</p> <p>10 Q. How long have you been using LinkedIn?</p> <p>11 A. I don't recall when I first created my</p> <p>12 account. I began posting more frequently after I</p> <p>13 went public on these issues because I was -- I was</p> <p>14 kind of, like, I think LinkedIn is a good way to</p> <p>15 express professional concerns.</p> <p>16 And I've only posted a couple times about</p> <p>17 this on the Facebook pages because my relationship</p> <p>18 with former Facebook employees is more sort of along</p> <p>19 the friendship territory and I didn't feel it was</p> <p>20 the right forum for me to talk about some of the</p> <p>21 things I observed. And so I try to use LinkedIn for</p> <p>22 that.</p> <p>23 Like, for a period of time I would post</p> <p>24 once a week saying it's been another seven days</p> <p>25 since I last brought out these issues to light and</p>

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<p style="text-align: right;">Page 897</p> <p>1 one in eight kids have experienced unwanted 2 advances -- 3 (Whereupon, a brief discussion off the 4 record.) 5 THE WITNESS: In the last seven days, it's 6 been another seven days since the information became 7 public, and in those seven days, one in eight kids 8 have experienced unwanted sexual advances on 9 Instagram. I intended to keep on doing that but I 10 did not. 11 BY MS. JONES: 12 Q. Are there any other social media platforms 13 services that you use? 14 A. Probably. Like, I definitely believe 15 in -- oh, yes, I can -- what's it called. There was 16 a really -- there was a really great one that I was 17 part of for a while that really had put a lot of 18 care in all of these issues. I don't recall the 19 name now. It was invite-only startup at the time 20 that people did at some point. 21 But, again, I do believe in the good that 22 social media can do and have worked a significant 23 amount of my life on social features. And even 24 before I did my first job when I was an intern for 25 an IBM and Apple startup, what I implemented was,</p>	<p style="text-align: right;">Page 899</p> <p>1 But for example, there was a conference in New York 2 organized by high school students about sort of 3 different issues relating to social media. And I 4 spoke there. And then I spoke with teens both in a 5 group setting and in an individual setting. 6 For the five compassion research stays 7 that we held, the last two or three hours were 8 dedicated to bringing in a group of, on average, 10 9 to 15 teenagers. Sometimes from marginalized 10 communities. So LGBTQ teenagers or people from 11 schools in Oakland that had other sort of access or 12 challenges. And the job was to have them tell us 13 whatever we should do differently. It was an open 14 floor for them for me and the product team and the 15 scientists to kind of listen to them. 16 I gave talks at different schools and then 17 afterwards would have conversations with them. And 18 then during the -- after I left -- and that's not 19 comprehensive, right, it just gives a thing. 20 Q. Uh-huh. 21 A. I did not -- like, primarily I spoke with 22 my daughter. I think sometimes when she would have 23 friends over we would kind of have a little bit 24 broader conversations around some of the issues. 25 I also spoke with other family members</p>
<p style="text-align: right;">Page 898</p> <p>1 like, at chat rooms and, like, shared games. And so 2 I had always believed in the potential of social 3 media and social products to do good in the world. 4 Q. Mr. Bejar, I want to just follow up on 5 something that you said about having had 6 conversations with lots of different teens about 7 their use of social media. 8 A. Correct. 9 Q. When you say lots of different teens, can 10 you maybe start by just giving me a sense of what is 11 the number of teens? And I know you've talked to 12 your daughter. But putting those discussions to the 13 side, what's the number of teens you would say that 14 you've had conversations with about social media? 15 A. Probably a few hundred at this point but I 16 couldn't give a number more precise than that. 17 Q. Okay. In what settings have you had these 18 conversations with probably a few hundred teenagers? 19 A. Let's see. So -- starting with when I was 20 at Yahoo! I had conversations with teens that were 21 the target of grooming. And with their parents. So 22 that was kind of like the first time I began doing 23 that. 24 Then during my second -- during my first 25 stint, there were more than what I'm going to name.</p>	<p style="text-align: right;">Page 900</p> <p>1 that had issues to sort of help understand their 2 experience. They were native to Snapchat and TikTok 3 and so I wanted to understand their experiences. 4 And then -- I mean, I could go on, being 5 mindful of time, the most recent time that I can 6 recall was within the last probably six months or 7 so. I don't recall the exact date. 8 There was a group of teen girls that was 9 facilitated by this woman named Larissa May who's 10 part of this group called HalfTheStory. She was on 11 Oprah. And it was a group of like 15 -- 12 (Whereupon, a brief discussion off the 13 record.) 14 THE WITNESS: But she's a very wonderful 15 young advocate of these issues. And this was a 16 circle with around 10 to 15 teenage girls where the 17 job was to listen to them talk about these topics. 18 BY MS. JONES: 19 Q. Okay. 20 A. Including unwanted sexual advances. And I 21 have something to share about that if it's 22 appropriate. 23 Q. Okay. Well, let me move on to my next 24 question. 25 Mr. Bejar, simply because you've focused a</p>

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<p style="text-align: right;">Page 901</p> <p>1 fair bit, both in your deposition but also in 2 various other settings, on your daughter's 3 experience I'm going to ask you some questions about 4 her, if that's okay? 5 A. I believe so. 6 Q. Okay. Before I do that, you mentioned 7 that you also had a son who was a teenager at the 8 time that Meta acquired Instagram; is that right? 9 MR. CARTMELL: Object to form. 10 THE WITNESS: I'm sorry, I'm doing math. 11 BY MS. JONES: 12 Q. I don't think that question was very well 13 put. 14 Is your son older than your daughter? 15 A. Yes, he is. 16 Q. Has your son ever used social media? 17 A. Yes. 18 Q. What platforms has he used? 19 A. Primarily Reddit with some minor Instagram 20 use. And Discord. I don't think he ever used Snap 21 much. And that's not a comprehensive list. I was 22 very -- had very diligent conversations with my kids 23 about when they started using these applications and 24 about their usage of it. My son related differently 25 to that world than my daughter did.</p>	<p style="text-align: right;">Page 903</p> <p>1 who had had a positive experience on social media? 2 A. I don't think I did. 3 Q. You, I believe, and you can tell me if 4 I've gotten this wrong, you testified yesterday that 5 your daughter might have been addicted to Instagram. 6 Did I hear that testimony correctly? Or 7 correct me if I've got it wrong. 8 MR. CARTMELL: Object to the form. 9 BY MS. JONES: 10 Q. Let me ask the question a slightly 11 different way. 12 Are you offering the view that your 13 daughter was addicted to Instagram at any point? 14 A. I believe that she, and these 15 conversations that I had with her, spent way too 16 much time on it. And that notifications and the 17 challenges in trying to not have the phone during 18 dinner or during other forms of family time -- 19 (Whereupon, a brief discussion off the 20 record.) 21 THE WITNESS: The challenges in not having 22 the phone during family time were very distressing 23 and -- I mean, I think I have said what I would like 24 to say about that. Because I would like to offer 25 that sort of detail recounting of my daughter's</p>
<p style="text-align: right;">Page 902</p> <p>1 Q. Let me ask you what you mean by that when 2 you say your son related differently than your 3 daughter did to that world? 4 A. My son was very disciplined about his time 5 spent and his interactions. And so his -- his usage 6 of his phone was very reasonable throughout and -- 7 and he very intentionally engaged with the platforms 8 that I've already named and -- and didn't really 9 seek to spend, like, a lot of time on it. 10 My daughter, when she finally went on 11 Instagram, that was not the case. And so, for 12 example, if we sat and we watched a movie as a 13 family, which is one of the activities we did 14 together, my son would not once pick up his phone 15 throughout the movie and, like, somewhere later in 16 this, my daughter would pick up her phone to check 17 if there were notifications around any 20 or 30 18 seconds. Which is something that I was kind of 19 keeping an eye on and had many conversations with 20 her about. 21 Q. Mr. Bejar, just generally speaking, did 22 your son have a positive experience on social media? 23 A. Yes. 24 Q. And when you testified before the Senate, 25 did you mention the fact that you had a second child</p>	<p style="text-align: right;">Page 904</p> <p>1 experience in this context is -- all what I've said 2 is fairly distressing to me and I want to be 3 incredibly mindful of her privacy as well. 4 BY MS. JONES: 5 Q. Well, Mr. Bejar, you have testified 6 publicly and under oath about your daughter's 7 experience on Instagram, correct? 8 A. Correct. 9 Q. And you have been interviewed by 10 journalists and talked about your daughter's 11 experience on Instagram, correct? 12 A. Correct. 13 Q. I believe in connection with the book that 14 was published by Jeff Horwitz from the Wall Street 15 Journal he recounts information that you shared with 16 him about your daughter's experience on Instagram, 17 correct? 18 A. That is correct. 19 Q. Okay. I do want to go back to the 20 question that I asked just to make sure that I 21 understand what your answer is. 22 Are you offering the view that your 23 daughter was addicted to Instagram? 24 MR. CARTMELL: Objection. Asked and 25 answered.</p>

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<p style="text-align: right;">Page 905</p> <p>1 THE WITNESS: I think I've already 2 answered that question. 3 BY MS. JONES: 4 Q. Is that something that you've ever said 5 before in prior sworn testimony, as far as you can 6 recall? 7 MR. CARTMELL: Object to the form. 8 THE WITNESS: I have not. 9 I'm very sensitive to her privacy about 10 this and I've had many conversations with her about 11 how I relate her experience. And I want to do this 12 with the utmost respect in the world for her 13 privacy. For her privacy. And the fact that she's 14 now much older and has gratefully successfully 15 navigated many of these issues. 16 BY MS. JONES: 17 Q. Okay. And I also want to be respectful of 18 your daughter's personal situation but I -- simply 19 because you've raised her in the context of your 20 sworn testimony I do want to ask, was there ever any 21 determination by a clinician that your daughter was 22 addicted to Instagram? 23 A. I am not going to get into, under any 24 circumstances, about any clinical/medical work that 25 my daughter might have had. And so I want to make</p>	<p style="text-align: right;">Page 907</p> <p>1 Q. -- what do you mean specifically when you 2 say "I had kind of some low-grade concern around 3 these issues"? 4 A. I had had a lot of experience and good 5 understanding about how harm had played out in 6 Facebook during my first stint, right, all of the 7 work with teens and the tools that were developed. 8 And the knowledge of some of, like, the human 9 dynamics involved and the developmental aspects 10 around that, in particular sort of how sensitive 11 kids are to when things happen and how the medium 12 inherently by its nature facilitates 13 misunderstandings and people expressing 14 circumstances even in the best of worlds. 15 I decided to hold off a year so that she 16 could get another year of development behind her. 17 Q. Did your daughter continuously use 18 Instagram from the age of 14 until the present? 19 A. Yes. 20 Q. Was there any period during -- and how old 21 is your daughter today? 22 A. She's 20 now. 23 Q. Okay. So you've gotten both of your kids 24 out of the house, it sounds like, maybe not out of 25 the house, but they're adults under the standard</p>
<p style="text-align: right;">Page 906</p> <p>1 it exceptionally clear that I find that 2 conversation -- question deeply inappropriate 3 because for me to talk about a clinician diagnostic 4 it would mean getting into things that are not 5 appropriate for me to talk about in this context. 6 Q. Okay. Your daughter started using social 7 media when she was 14; is that right? 8 A. Yes, I -- I thought it was important to 9 wait until she was older. 10 Q. Okay. And why was it that you thought it 11 was important to wait until she was older? 12 A. I think at the time I had kind of some 13 low-grade concern around these issues. And I knew 14 that developmentally that extra year would be good 15 for her. 16 Q. When you say "at the time I had" -- let me 17 take a step back. 18 What year was it when your daughter was 19 14? Was it 2018? 20 A. Yeah, I believe so. 21 Q. Okay. And you said "at the time I had 22 kind of some low-grade concern around these issues." 23 A. Yeah. 24 Q. Let me just ask you -- 25 A. Of course.</p>	<p style="text-align: right;">Page 908</p> <p>1 definition. 2 A. Well, isn't the standard definition 21 or 3 is it 18? 4 Q. Yes, probably 18. But I won't assume 5 they're out of the house but I know how that goes. 6 A. Work in process. 7 Q. Yeah. 8 Was there any period from when your 9 daughter was 14 years old in 2014 until the present 10 when she was not on Instagram? 11 A. I don't think so. 12 Q. And just to be very clear, you knew that 13 your daughter had joined Instagram? 14 A. Oh, absolutely. I did this -- their 15 joining of any social media service was subject to 16 conversation and we had -- it was something that as 17 a parent I was extremely engaged in. 18 Q. And so, again, just to be very clear, your 19 daughter didn't sneak onto the platform without your 20 knowledge; is that right? 21 A. That is correct. 22 Q. Okay. Has she, as far as you know, used 23 other social media platforms? 24 A. Yes. 25 MR. CARTMELL: Object to form.</p>

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<p style="text-align: right;">Page 909</p> <p>1 BY MS. JONES:</p> <p>2 Q. Has she used Facebook?</p> <p>3 A. Yes.</p> <p>4 Q. Is she on Facebook still?</p> <p>5 A. Yes.</p> <p>6 Q. When did she join Facebook, if you know?</p> <p>7 A. I don't know. Later.</p> <p>8 Q. Okay. Later than 2014?</p> <p>9 A. Yeah.</p> <p>10 Q. Has she used Snapchat?</p> <p>11 A. Yes.</p> <p>12 Q. When did she join Snapchat, if you know?</p> <p>13 A. After she joined Instagram. I was at --</p> <p>14 at the time when she joined Instagram, it was my</p> <p>15 belief that that was a good place to start.</p> <p>16 Q. Bless you.</p> <p>17 And is she still on Snapchat?</p> <p>18 A. I believe so.</p> <p>19 Q. Okay. What about TikTok, has your</p> <p>20 daughter used TikTok?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know when she joined TikTok?</p> <p>23 A. I don't recall.</p> <p>24 Q. Is she still on TikTok today?</p> <p>25 A. I think so. I don't think she's very</p>	<p style="text-align: right;">Page 911</p> <p>1 course of your deposition, and I think this is</p> <p>2 roughly a direct quote, but you can correct me if</p> <p>3 I'm getting any part of it right -- wrong, that</p> <p>4 Instagram is not built to be safe or good for kids.</p> <p>5 Was that your testimony?</p> <p>6 A. Yes.</p> <p>7 Q. And you have allowed both of your kids to</p> <p>8 use Instagram; is that right?</p> <p>9 A. At the time at which I believed it was</p> <p>10 safe.</p> <p>11 Q. Okay. And after you concluded that --</p> <p>12 well, let me ask a more specific question.</p> <p>13 In the summer of 2021 is when I believe</p> <p>14 you testified you were starting to become acquainted</p> <p>15 with the results of things like the BEEF survey; is</p> <p>16 that right?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay. And in 2021, your daughter, if I'm</p> <p>19 doing the math right, would have been 17; is that</p> <p>20 right?</p> <p>21 A. Correct.</p> <p>22 Q. After you learned about the BEEF survey</p> <p>23 results, did you at any point say to your daughter</p> <p>24 you can't be on Instagram anymore?</p> <p>25 A. At that time, I knew that the things and</p>
<p style="text-align: right;">Page 910</p> <p>1 active on it, though.</p> <p>2 Q. Okay. What about YouTube?</p> <p>3 A. Yes.</p> <p>4 Q. And do you know if your daughter has a</p> <p>5 YouTube account or if she just goes on it without</p> <p>6 signing in?</p> <p>7 A. I believe she goes on without signing in</p> <p>8 but I think at some point I helped her set up a</p> <p>9 YouTube account. I don't recall.</p> <p>10 Q. I'm sorry. I didn't mean to step on your</p> <p>11 answer.</p> <p>12 Do you know for how long your daughter has</p> <p>13 used YouTube?</p> <p>14 A. Yeah, so definitely didn't let them on</p> <p>15 when they were younger. At some point under -- in</p> <p>16 public areas and under supervision in the house, we</p> <p>17 were able to watch some videos or share things</p> <p>18 there. And then at some point she could access it</p> <p>19 from her phone.</p> <p>20 So they had kind of like a -- I had a</p> <p>21 program with my kids about how much screen time</p> <p>22 and -- and the kind of content or applications they</p> <p>23 would get access to over time, which games and other</p> <p>24 things.</p> <p>25 Q. Okay. You have testified during the</p>	<p style="text-align: right;">Page 912</p> <p>1 some of the most important things that were covered</p> <p>2 in BEEF she had been experiencing directly. We had</p> <p>3 to talk through her strategies for dealing with</p> <p>4 them.</p> <p>5 I so wish I had known much earlier what</p> <p>6 BEEF helped me see, which is the likelihood that she</p> <p>7 had experienced these things. At that point, she</p> <p>8 had been experiencing them for years. And what BEEF</p> <p>9 really brought home for me is just how many other</p> <p>10 kids were experiencing that.</p> <p>11 Had I known the results of BEEF earlier,</p> <p>12 right, had I had a good sense of how harm was</p> <p>13 playing out earlier, under no circumstances would I</p> <p>14 have allowed my daughter to go on social media until</p> <p>15 she was much older.</p> <p>16 Q. I want to just make sure I have an answer</p> <p>17 to my question.</p> <p>18 After you learned about the BEEF survey</p> <p>19 results in the summer of 2021, did you at any point</p> <p>20 say to your daughter you cannot be on Instagram</p> <p>21 anymore?</p> <p>22 MR. CARTMELL: Objection. Asked and</p> <p>23 answered.</p> <p>24 THE WITNESS: Have you ever told a</p> <p>25 17-year-old that they can't do something?</p>

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<p style="text-align: right;">Page 913</p> <p>1 BY MS. JONES:</p> <p>2 Q. I don't have a 17-year-old so you're -- I</p> <p>3 just need you to -- I need you to just --</p> <p>4 A. No, I did not. I did not tell my daughter</p> <p>5 that.</p> <p>6 But I will say that in knowledge of all of</p> <p>7 the categories of BEEF, I believe that at that point</p> <p>8 my daughter had effective strategies to deal with</p> <p>9 those harms when she encountered them. She was much</p> <p>10 more mature. She had developed a great priority of</p> <p>11 strategies for dealing with every harm that we've</p> <p>12 been talking about. And I -- and so as a parent, it</p> <p>13 was okay for her to be on Instagram based on that.</p> <p>14 Q. And just so I'm clear and, more</p> <p>15 importantly, the jury is clear, you understood what</p> <p>16 the -- that your daughter was experiencing harm on</p> <p>17 Instagram.</p> <p>18 That was your testimony, right?</p> <p>19 A. Correct.</p> <p>20 Q. And you understood that as early as when?</p> <p>21 A. When she first started talking about</p> <p>22 unsolicited penis pictures and unsolicited sexual</p> <p>23 advances when she was 14.</p> <p>24 Q. So that would have been in 2014?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 915</p> <p>1 A. Correct.</p> <p>2 Q. And as that point in time, you did not go</p> <p>3 to your daughter and say, you've got to come off of</p> <p>4 Instagram; is that right?</p> <p>5 A. At that point in time, my daughter already</p> <p>6 had a public account, and we had been discussing all</p> <p>7 of the harms that she was experiencing there. And</p> <p>8 what the negative experiences survey and then BEEF</p> <p>9 later on brought to my attention was about all of</p> <p>10 the other kids who don't have a dad that had spent</p> <p>11 kind of a lifetime working on these issues, that</p> <p>12 they felt comfortable with approaching when, for</p> <p>13 example, she got insulted for being Hispanic or she</p> <p>14 got an adult commenting on her body parts.</p> <p>15 And I can -- like, the quotes are really</p> <p>16 disturbing so I try to be very circumspect about</p> <p>17 some of the comments she got on her body as a</p> <p>18 teenage girl that she responded to.</p> <p>19 And I believe that even at that point I</p> <p>20 had had the conversation with her, but I'm not clear</p> <p>21 on the timing, where she gave up on reporting these</p> <p>22 things because it would never get acted on, and</p> <p>23 started choosing to leave them up because she was</p> <p>24 worried that they would reduce engagement in the</p> <p>25 product. And that -- I respected her choice on that</p>
<p style="text-align: right;">Page 914</p> <p>1 Q. I apologize. I probably have gotten it</p> <p>2 wrong.</p> <p>3 A. She would have been ten at the time.</p> <p>4 Q. Okay.</p> <p>5 A. She couldn't have been on Instagram.</p> <p>6 Shouldn't have been on Instagram.</p> <p>7 Q. So would that have been 2018? I think I</p> <p>8 wrote down the wrong year.</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So as early as 2018, you were aware</p> <p>11 that your daughter was experiencing harm on</p> <p>12 Instagram, right?</p> <p>13 A. Yes.</p> <p>14 Q. And then you returned to the company in a</p> <p>15 consulting role in 2019, right?</p> <p>16 A. Correct.</p> <p>17 Q. And by 2000 -- when was it that you first</p> <p>18 learned about the negative experiences survey?</p> <p>19 A. I think it would have been pretty early in</p> <p>20 my tenure, and so I would guess around maybe 2019,</p> <p>21 give or take. Give plus/minus a little bit of time.</p> <p>22 Q. Okay. Okay.</p> <p>23 So in 2019, you are back at the company</p> <p>24 and you've become aware of the negative experience</p> <p>25 survey, right?</p>	<p style="text-align: right;">Page 916</p> <p>1 and her strategies of dealing with it.</p> <p>2 But, again, I think my daughter, this is</p> <p>3 really not about my daughter because she had me and</p> <p>4 she had trust in me. And so she had the support</p> <p>5 structure to navigate all of these issues. I don't</p> <p>6 know how many kids in the world have parents who</p> <p>7 have breadth and expertise such that when they</p> <p>8 encounter some of these harms that we've talked</p> <p>9 about they can get meaningful help from their</p> <p>10 family.</p> <p>11 The tools as implemented today do not help</p> <p>12 with that. They don't equip the kids of the parents</p> <p>13 appropriately. And so when I started looking at</p> <p>14 surveys, I thought that applied to other kids</p> <p>15 because my daughter had already -- all these things</p> <p>16 had happened to her already and she was dealing with</p> <p>17 them and she had support and she was maturing.</p> <p>18 Q. Okay. I'm trying to remember what my</p> <p>19 question was, Mr. Bejar.</p> <p>20 I think my questions was, at this point in</p> <p>21 time you did not go to your daughter and say you've</p> <p>22 got to come off of Instagram? When I say "this</p> <p>23 point in time," I'm referring to 2019.</p> <p>24 Let me ask you my next question, though.</p> <p>25 Did you determine because your daughter</p>

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<p style="text-align: right;">Page 917</p> <p>1 had developed strategies for navigating the platform 2 and that she had the benefit of a supportive parent 3 that it was acceptable for her to remain on 4 Instagram in 2018, 2019? 5 A. In those factors -- did you say also that 6 she was much older in your question as you -- 7 Q. I did not say she was much older. I just 8 said in 2018 and 2019. 9 Let me ask the question again. 10 A. Thank you. 11 Q. In 2018 and 2019, did you determine that 12 because your daughter had developed strategies for 13 navigating Instagram, and because she had the 14 benefit of a supportive parent in you, that it was 15 acceptable for her to remain on the platform? 16 A. And she was older. And not just a 17 supportive parent but the expertise that I had, then 18 yes. 19 Q. And just to be clear, when you say "she 20 was older," in 2018 and 2019, your daughter was 14 21 and 15, correct? 22 A. Correct -- I'm sorry, what was the 23 question you just asked for? Can you refresh me on 24 the time period. I mean, there's lots of parts and 25 I want to make sure I get that right.</p>	<p style="text-align: right;">Page 919</p> <p>1 no idea she was going to get when she opened that 2 public account, and that was true in the testing of 3 the product later, we talked about her strategies, 4 which initially were deleting -- reporting comments. 5 And then in failure of that, trying to delete them. 6 Also, by the way, during that time, she 7 tried to -- she would report comments and the 8 comments would not be hidden or deleted from her 9 which brought her ongoing distress. But, again, we 10 thought it was important to see how these issues 11 played out because I was also trying to understand 12 the experience of her and other people. 13 And I wasn't worried for her safety, and I 14 wasn't worried about -- sort of these issues 15 creating sort of long-term issues for her because 16 she was proactively bringing them up and we were 17 discussing them. 18 (Whereupon, a brief discussion off the 19 record.) 20 BY MS. JONES: 21 Q. Okay. So because of all the factors that 22 you've just described, you concluded that it was 23 okay for your daughter to stay on Instagram in 2018 24 and 2019, right? 25 A. That is correct.</p>
<p style="text-align: right;">Page 918</p> <p>1 So you're saying in 2018. Was the 2 question about -- 3 Q. Let me ask the question again if you're 4 unclear on the question. 5 A. I am. 6 Q. In 2018 and 2019, did you determine that 7 because your daughter had developed strategies for 8 navigating Instagram, and because she had the 9 benefit of a supportive parent in you, that it was 10 acceptable for her to remain on the platform? 11 A. If you add to that sort of my awareness 12 over time of the harmful experiences that she was 13 having as she was bringing them up to me, each time 14 that we talked about a harmful experience we would 15 talk about it. We would come up with strategies. 16 And then I'd say yeah, it's okay, you can continue 17 using Instagram. 18 So once she started getting unwanted 19 sexual advances, we discussed what her strategy was 20 going to be around that because the reporting tools 21 were not helping her. And I did make the choice for 22 her to stay on the platform. 23 When she started getting harassing 24 comments and unwanted sexual advances over DMs after 25 she created a public account, something that she had</p>	<p style="text-align: right;">Page 920</p> <p>1 Q. Okay. And then by 2021, according to your 2 testimony, you became familiar with the BEEFs survey 3 data; is that right? 4 A. That is correct. 5 Q. And for the same -- given the same factors 6 that I think you've already described, did you still 7 conclude, as to 2020 and then 2021, that it was okay 8 for your daughter to stay on Instagram? 9 A. Yes. 10 Q. Was there ever any point in time from when 11 she started on Instagram in 2018 until the present 12 when you said to your daughter you should stop using 13 Instagram? 14 A. No, there has not been. 15 Q. And I think you've testified earlier, and 16 I'm not going to get into a lot of details, but I 17 think you testified earlier that your daughter is 18 now 20 years old and she's doing well? 19 A. That is correct. 20 Q. And when your daughter has used the 21 platform, she has gotten benefits from using it; is 22 that fair to say? 23 A. She's gotten benefits and she has gotten 24 harms. 25 Q. Understood.</p>

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<p style="text-align: right;">Page 921</p> <p>1 For example, in your live congressional 2 testimony but in other settings you mentioned that 3 she is a big car fan, right? 4 A. She is now a car professional. 5 Q. Okay. I -- excuse me. I apologize. 6 She has what I think is a very cool 7 interest in rehabbing all types of interesting 8 vehicles, right? 9 A. Correct. 10 Q. Okay. And that is an interest that she 11 has been able to pursue on Instagram -- at least 12 communicate with others about -- on Instagram, yes? 13 A. Yes. Communicate with others on 14 Instagram. 15 Q. Okay. So she will post on -- and she has 16 a public Instagram account, right? 17 A. Correct. 18 Q. And among other things, she will post 19 about cars, right? 20 A. Correct. 21 Q. Has she used Instagram to research 22 information on types of cars that she might be 23 interested in? 24 I can withdraw the question. If you're 25 not sure, that's fine.</p>	<p style="text-align: right;">Page 923</p> <p>1 might take longer than seven minutes and I think 2 we're going to break for lunch at 12:30, so I'm -- 3 MR. WARD: Sure. That's fine. 4 THE VIDEOGRAPHER: Time is 12:23. We're 5 off the record. 6 (Whereupon, a brief recess was taken.) 7 THE VIDEOGRAPHER: Time is 1:18. We're 8 back on the record. 9 BY MS. JONES: 10 Q. Okay. Mr. Bejar, I'm going to hand you 11 what we've marked as Deposition Exhibit 71, 72, and 12 73. 13 (Whereupon, Meta-Bejar Exhibit 71 was 14 marked for identification.) 15 (Whereupon, Meta-Bejar Exhibit 72 was 16 marked for identification.) 17 (Whereupon, Meta-Bejar Exhibit 73 was 18 marked for identification.) 19 MS. JONES: And we'll get those handed out 20 to counsel. 21 Having spoken with Mr. Ward on the break, 22 I understand he might want to put something on the 23 record with respect to Exhibit 71, 72, and 73. And 24 this might be the appropriate time for that, if 25 that's okay.</p>
<p style="text-align: right;">Page 922</p> <p>1 A. I think I know where she's researched the 2 cars that she's interested in. 3 Q. Okay. Let me ask you, while we're pulling 4 out another exhibit, your experience has been that a 5 teen can have experiences like the ones that your -- 6 Go ahead and put the sticker on it. 7 -- that your daughter had without creating 8 long-term issues? 9 MR. CARTMELL: Object to the form. 10 THE WITNESS: Can you repeat the question? 11 BY MS. JONES: 12 Q. Sure. 13 Your experience with your daughter has 14 been that a teen can have bad or negative 15 experiences on Instagram or any other social media 16 platform and have it not create long-term issues? 17 MR. CARTMELL: Same objection. 18 THE WITNESS: I have experiences with both 19 things. I have experience with people that have had 20 long-term issues that I've spoken to, and I have 21 experience with people that have not had long-term 22 issues that I have spoken to. 23 MS. JONES: Okay. I'm going to hand you 24 what we've marked as -- well -- it might make sense 25 to break now for lunch just because the next bit</p>	<p style="text-align: right;">Page 924</p> <p>1 MR. WARD: Thank you, Counsel. 2 On behalf of Mr. Bejar, we'd like to 3 express our appreciation to counsel for proactively 4 consulting on these upcoming exhibits. I think 5 counsel respectfully appreciated Mr. Bejar's 6 sensitivity around the issues related to his 7 daughter's privacy and we appreciate the chance to 8 review these and consult with counsel about them, 9 recognizing that a lot of this content is, in fact, 10 discoverable somewhere on the internet. 11 We, nonetheless, appreciate counsel's 12 willingness to work together after the deposition to 13 avoid any unnecessary calling attention to personal 14 identifying information related to Mr. Bejar's 15 daughter. And we thank you for that. 16 MS. JONES: Happy. Happy to do it. And 17 thank you both for raising it and discussing it 18 cooperatively. 19 Q. Mr. Bejar, let ask you to start by looking 20 at Deposition Exhibit Number 71, if you would, 21 please. 22 A. Yes. 23 Q. Do you have that in front of you? 24 A. I do. 25 Q. And if we just call out the -- and</p>

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<p style="text-align: right;">Page 925</p> <p>1 recognizing that people will talk on a separate 2 occasion about what specific information with 3 respect to your daughter is included in the ultimate 4 version of this that might be shown at some point in 5 the future, let's call out just the top part of 6 Exhibit Number 71, if we could, please. 7 This is an article from something called 8 The Saratoga Falcon dated August 30th, 2023, right? 9 A. Right. 10 Q. And The Saratoga Falcon, as I understand 11 it, is a high school newspaper; is that right? 12 A. I believe so. 13 Q. And it is the newspaper for the school -- 14 is it the school that your daughter graduated from? 15 A. I believe so. 16 Q. Okay. Let me ask you to look -- and the 17 title of the article is, "Senior Mag 2023: Rallying 18 and Restoring: [REDACTED] pursues interest in 19 automotive restoration." 20 A. Correct. 21 Q. And [REDACTED] is your daughter, correct? 22 A. That's correct. 23 Q. And the first paragraph -- and there's a 24 picture on the right-hand side of someone who's 25 sitting with a car and underneath the picture is the</p>	<p style="text-align: right;">Page 927</p> <p>1 been 15, she would have been what age? 2 A. 19. 3 Q. Okay. 4 A. Approximately. I'm not doing the precise 5 math. 6 Q. Oh, no, no, no, I understand. That's 7 fine. 8 It goes on to say, in that first -- same 9 first paragraph, "She took help pulling out the 10 engine and ignition, then took apart and rebuilt the 11 engine, scrubbing paint off the exterior and sanding 12 it down to metal." 13 Do you see that? 14 A. Yes. 15 Q. It says, "After fully stripping down the 16 car [REDACTED] got it repainted." Right? 17 A. Right. 18 Q. And much of the rest of the article -- I 19 want to ask you about some specific elements of the 20 article. But much of the rest of the article 21 generally describes your daughter's interest in 22 restoring cars, generally speaking? 23 A. Yes. 24 Q. Okay. 25 A. Yes.</p>
<p style="text-align: right;">Page 926</p> <p>1 name [REDACTED] right? 2 A. Correct. 3 Q. Is that your daughter? 4 A. Yes. 5 Q. Okay. The first paragraph of Deposition 6 Exhibit Number 71 says, "At 15, after years of 7 begging her parents to buy her a project car, [REDACTED] 8 [REDACTED] [sic] (who goes by [REDACTED] finally bought a 9 Porsche 914, a half Volkswagen and half Porsche 10 1970s car with pop-up headlights, her new pride and 11 joy, after months of searching." 12 Did I read that correctly? 13 A. Yes. 14 Q. And is that an accurate description that 15 at 15, you all, and by "you all" I mean, I assume 16 yourself, and maybe your ex-wife, purchased for your 17 daughter a car to work on in connection with her 18 interest in restoring cars? 19 A. It was a combination of me and also some 20 of my daughter's savings. 21 Q. Okay. Got it. 22 And it goes on -- and she was 15 at the 23 time? 24 A. Correct. 25 Q. But in 2023, your daughter would not have</p>	<p style="text-align: right;">Page 928</p> <p>1 Q. And if you look down at the paragraph 2 entitled -- that begins with "[REDACTED] passion" towards 3 the bottom of the page. 4 A. Yes. 5 Q. It says, "[REDACTED] passion for restoration is 6 uncomfortable in stagnancy - the second she grew 7 tired, she found herself a car on Facebook 8 Marketplace - a car that had not run since 1983." 9 Do you see that? 10 A. Yes. 11 Q. And is that consistent with your 12 recollection that your daughter had been able to 13 make use of Facebook Marketplace to find another car 14 that she was interested in potentially restoring? 15 A. Correct. 16 Q. Has she used Facebook -- and Facebook 17 Marketplace is one of the parts of the Facebook 18 application; is that right? 19 A. Correct. 20 Q. Okay. Is that -- has she used -- has your 21 daughter, as far as you know, used Facebook 22 Marketplace to identify other cars that she's 23 interested in restoring? 24 A. Yes, I know the car that she is talking 25 about.</p>

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<p style="text-align: right;">Page 929</p> <p>1 Q. Okay. And so this -- this is -- just to 2 go back to what we were talking about earlier, I 3 think you mentioned there can be both bad and good 4 on social media. This is an example of one of the 5 benefits that your daughter at least has seemed to 6 have gotten from using Facebook Marketplace; is that 7 right? 8 A. Yes. 9 Q. Okay. And then if we look at the second 10 page of that same article, there is a paragraph that 11 begins with, "Though she enjoys" -- it's the 12 second-to-last paragraph. 13 A. Yes. 14 Q. The beginning of that says, "Though she 15 enjoys getting 'hands on, down and dirty' with her 16 project cars, [REDACTED] also enjoys keeping her 13,500 17 Instagram followers up to date on her progress on 18 her account, [REDACTED]." 19 Do you see that? 20 A. I do. 21 Q. And is [REDACTED] a reference to your 22 daughter's Instagram account? 23 A. It is her public Instagram account. 24 Q. I appreciate the clarification. 25 Is [REDACTED] a reference to your</p>	<p style="text-align: right;">Page 931</p> <p>1 thousands of followers that that suggests that 2 something sinister or bad is somehow happening. 3 Is that something you roughly say? 4 A. That's not accurate. 5 Q. Okay. So -- 6 A. I'm saying that a teen that is posting 7 sexualized content -- 8 Q. Okay. 9 A. -- or provocative content that has 10 thousands of followers is definitely something super 11 sketch. 12 Q. Okay. So I want to just make sure that 13 the record is clear on this. 14 A teenager having 13,500 Instagram 15 followers is not in and of itself, as you just, I'm 16 going to use your term "super sketch," right? 17 A. In and of itself it is not. 18 Q. Okay. And the fact that, at least as of 19 this time in 2023, that your daughter had 13,500 20 Instagram followers on her public [REDACTED] 21 Instagram account, that's not something you look at 22 and think, oh, that must be super sketch, right? 23 A. No, she has been very disciplined about 24 sort of the social norms for her car_gal account and 25 has been trying to create an environment that is</p>
<p style="text-align: right;">Page 930</p> <p>1 daughter's public Instagram account? 2 A. Yes. 3 Q. And for how long has your daughter had 4 that public [REDACTED] Instagram account? 5 A. I'm trying to recall. The reason it's 6 called a_car_gal was, in part, because we were very 7 mindful of her privacy when she first set it up. It 8 was, I believe, around a year or so after she set up 9 the -- her private Instagram account. 10 Q. Okay. 11 A. But, again, estimates, right. I would 12 need to scroll down and see the first post to be 13 accurate about the date. 14 Q. That's fair. 15 And there's a reference here to 16 specifically the fact that your daughter has 13,500 17 followers on her public [REDACTED] account; is that 18 right? 19 A. Correct. 20 Q. And you testified, if I recall correctly, 21 yesterday -- and you can correct me if I'm 22 mis-recalling your testimony because it's obviously 23 been a long couple days. 24 But I think you testified to something 25 along the lines of if there is a teen who has</p>	<p style="text-align: right;">Page 932</p> <p>1 good for car discussion. It has been made difficult 2 by the fact that Instagram does not provide her 3 tools to do that. 4 Q. And when you say Instagram does not 5 provide her tools to do that, you're aware that 6 there is, in fact, a reporting function on 7 Instagram? 8 A. Oh, I am. 9 Q. Okay. And just to go back to the 10 paragraph here that we were looking at, it goes on 11 to say, "She found that social media is a special 12 way for her to interact with the restoration 13 community, learn more from others, see what people 14 are doing with their own project cars and learn 15 technical talk." 16 Do you see that? 17 A. Yes. 18 Q. And is that consistent with your own 19 understanding of your daughter's experience? 20 A. My understanding of my daughter's 21 experience is that she has gotten some of the good, 22 which is community, technical knowledge, I think 23 she's part of a group on Facebook around this kind 24 of car and asks questions and gets information. And 25 so she's experienced the good of the product.</p>

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<p style="text-align: right;">Page 933</p> <p>1 And by the same hand, she has experienced 2 preventable harm in the product life, when she 3 created this car_girl account, soon thereafter she 4 got a post commenting -- and I, like, really hate to 5 say this -- but on her tits. As a young teenage 6 girl. And this was profoundly distressing to her at 7 the time. She tried reporting it. It did not 8 violate community standards. And she got feedback 9 that we're not going to do anything about that 10 comment. 11 And so I think her experience embodies the 12 good and the harm that -- the great thing about 13 community, connection, resources, knowledge, which 14 is the promise of Facebook. 15 And I remember really feeling that when I 16 started working there, and the preventable harm of 17 unwanted penis pictures, unwanted sexual advances, 18 kind of harassing comments for a public account, 19 experiencing that in that context. And I just wish 20 that she could have the good without the bad. And I 21 believe that's possible. I believe you can prevent 22 the bad and where you can't prevent the bad you 23 should give teens effective tools at naming it and 24 reducing it. 25 Q. And do I recall your testimony yesterday,</p>	<p style="text-align: right;">Page 935</p> <p>1 believe that those numbers could be a fraction of a 2 percent rather than 8 percent, 13 percent, or 3 20 percent of some of the accounts we have covered. 4 Q. Understand. 5 And I just wanted to make sure that, at 6 least for the jury's purposes, I understood your 7 testimony that you're not suggesting that the number 8 is -- you're advocating that the number must be zero 9 on the potentially bad side of the equation of the 10 benefit versus the downside. 11 A. I agree. 12 Q. Okay. And at least as of this time in 13 2023, August of 2023, it was still the case that in 14 consultation with you, her parent, and based on her 15 own ways of managing her time on Instagram, that it 16 was still, from her perspective and from your 17 perspective, okay for her to continue to be on 18 Instagram; is that right? 19 A. Yes. 20 Q. Okay. And this article -- I just want to 21 finish this paragraph, actually, while we're talking 22 about it. 23 The very last sentence of this article is 24 she had -- starts with the word "She advised." 25 Do you see that?</p>
<p style="text-align: right;">Page 934</p> <p>1 Mr. Bejar, to be, that on social media platforms, it 2 might not be possible to completely eliminate the 3 bad side of the equation that you're describing? 4 MR. CARTMELL: Object to the form. 5 THE WITNESS: Sorry, could you repeat the 6 question? 7 BY MS. JONES: 8 Q. Sure. 9 Do I recall your testimony from yesterday 10 to be that on social media platforms, including 11 platforms that have billions of users, it might not 12 be possible to completely eliminate the bad side of 13 the equation that you're describing? 14 A. Yes, I do. 15 MR. CARTMELL: Objection. 16 THE WITNESS: Sorry. 17 Yes, I do. 18 BY MS. JONES: 19 Q. Okay. When you say "Yes, I do," you do 20 remember that testimony? 21 A. Yes, I think that there's sort of a large 22 margin between sort of when you talk about 8, 10, or 23 20 percent of people experiencing something and a 24 fraction of people experiencing something. And so I 25 think that number cannot go down to zero. But I</p>	<p style="text-align: right;">Page 936</p> <p>1 A. Yes. 2 Q. It says, "She advised those who are 3 interested in automotive restoration but lack 4 resources or time - or just don't know how to - to 5 use social media as a tool to do research and find 6 people whom they admire." 7 Do you see that? 8 A. Yes. 9 Q. And do you have any reason to doubt the 10 accuracy of what this is reporting in terms of your 11 daughter encouraging others to use social media as a 12 way to pursue an interest in automotive restoration? 13 A. We had a conversation about this topic and 14 what we agreed is that when it came to the kinds of 15 issues we're talking about, it was sort of my job to 16 give them voice because she very much did not want 17 to be identified or associated with this 18 professionally. 19 She didn't want to be the girl that was 20 known for, like, the social media experiences, which 21 I completely understand and respect. And so we -- 22 from the beginning of the journey of public speaking 23 around this we had an understanding saying she's not 24 going to talk about it substantially. She's not 25 going to show up in these kinds of contexts.</p>

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<p style="text-align: right;">Page 937</p> <p>1 Because that is my job to do. I am here to be sort 2 of a voice for her. And I strive to do this with 3 her consent and understanding so that she knows what 4 kinds of representations I'm making. 5 Q. Okay. And that's all fine and good. My 6 question may not have been clear enough. 7 That last sentence says that your daughter 8 had suggested that others who might have an interest 9 in automotive restoration should consider social 10 media as a tool to do research and find people who 11 they admire, right? 12 A. Correct. 13 Q. Do you have any reason to doubt the 14 accuracy that that was a suggestion that your 15 daughter had made? 16 A. That was a suggestion that my daughter 17 made in this article. 18 Q. Okay. Now, Mr. Bejar, this article is 19 from August of -- August 30th, 2023, right? 20 A. Uh-huh. 21 Q. Correct? 22 A. Correct. 23 Q. And you testified before Congress in 24 November of 2023, right? 25 A. Correct.</p>	<p style="text-align: right;">Page 939</p> <p>1 in other forms in her account. 2 She used block. She used restrict. She 3 tried to use, I believe, hidden words. I don't 4 think she has had a need for limit. And those are 5 the list that I recall right now. She's a very 6 sophisticated user. 7 And so I kind of had to make sure when I 8 talk to her that she has tried all these different 9 things and to see from her experience how effective 10 they have been in terms of providing help or support 11 as she needed it. 12 Q. When -- 13 A. She eventually ended up giving up on them. 14 Q. And I apologize for stepping on the tail 15 end of your answer. 16 You've talked about reporting. What 17 happened when your daughter blocked someone -- bless 18 you. 19 A. Sorry. There's two questions, right, 20 you're asking about reporting and then you said 21 block? 22 Q. Yeah. I was just signaling that I think 23 you've testified already about your daughter's use 24 of the reporting function. And I was just going to 25 move to the next item that I think I heard you flag,</p>
<p style="text-align: right;">Page 938</p> <p>1 Q. And right before that testimony, your 2 daughter was actually communicating about how much 3 value she had gotten from Instagram, right? 4 A. She was communicating about her love of 5 cars and part of that love was a role that Instagram 6 played. 7 Q. When you -- I want to just ask because 8 you've mentioned a couple of times -- 9 And we can take that down, Mr. Reynolds. 10 You've mentioned a couple of times that 11 your daughter tried to use certain tools on 12 Instagram but didn't find them to be effective when 13 she would have negative experiences; is that right? 14 A. She didn't get support or help trying to 15 use those tools. 16 Q. Okay. Can you tell me specifically what 17 were the tools that your daughter tried to use? 18 A. Yes. This list is not going to be 19 chronological. 20 Q. Okay. 21 A. So reporting, trying to report content, 22 so -- and messages. So, for example, unwanted 23 sexual advances or unsolicited penis pictures are 24 examples of that. Trying to report comments that 25 were sexually suggestive, misogynistic, or harassing</p>	<p style="text-align: right;">Page 940</p> <p>1 which was the block function. 2 A. Correct. 3 Q. And what happened when your daughter 4 blocked other users? 5 A. When you block a user, you disappear from 6 each other on Instagram. 7 Q. Okay. And when you say that that wasn't 8 effective for her, what does that mean exactly? 9 A. It meant that when she started getting the 10 penis pictures, unwanted sexual advances, she would 11 block the person, and then sometimes that person 12 would create a different account and block her. And 13 I was glad to see the improvements to block. That 14 meant you could block accounts from a similar 15 device. 16 But also didn't prevent other people that 17 were coming in from different devices, generally 18 fellow teenagers, from contact -- sliding into her 19 DMs and then doing unwanted sexual advances from 20 that place or sending unwanted penis pictures. I do 21 not recall how many of those there were. I do 22 believe it was -- one is too many. 23 Q. And -- understood. 24 And you actually anticipated my next 25 question, which is, on how many occasions, if you</p>

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<p style="text-align: right;">Page 941</p> <p>1 know, did your daughter block someone on Instagram?</p> <p>2 And let me just -- I apologize. I didn't</p> <p>3 mean to startle you.</p> <p>4 On either of her Instagram accounts?</p> <p>5 A. I don't know how many times she would have</p> <p>6 done that on Instagram.</p> <p>7 Q. Do you know if it was more or less than</p> <p>8 ten?</p> <p>9 A. I'd have no basis to know how many times</p> <p>10 she has blocked people on Instagram. I've just had</p> <p>11 conversations with her about when she has done that</p> <p>12 and how effective. We had a good conversation about</p> <p>13 how effective blocking is at deterring somebody from</p> <p>14 sending an unwanted penis picture.</p> <p>15 Q. Okay. But it sounds like you don't know</p> <p>16 on how many occasions she might have used that</p> <p>17 function?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay. What about reporting, on how many</p> <p>20 occasions, if you know, did your daughter report</p> <p>21 some kind of bad experience?</p> <p>22 A. It is my understanding that when she</p> <p>23 experienced it she tried reporting it and then</p> <p>24 eventually I believe she gave up on reporting</p> <p>25 because when she reported an issue, I asked her if</p>	<p style="text-align: right;">Page 943</p> <p>1 daughter restricted another user on Instagram?</p> <p>2 A. I do not.</p> <p>3 Q. And to the extent that your testimony has</p> <p>4 been that restrict was not a useful tool for her,</p> <p>5 what was the problem?</p> <p>6 A. So the problem with restrict is basically</p> <p>7 it's an invisible measure and so she got relief from</p> <p>8 that one person that she restricted. But we talked</p> <p>9 about, from a community perspective, how those</p> <p>10 people would continue and do harm to other people</p> <p>11 because -- and restrict is a wonderful example of</p> <p>12 that.</p> <p>13 Restrict makes the invisibility be one</p> <p>14 way, which in some context is important for safety,</p> <p>15 but, again, if you want to create an environment</p> <p>16 where penis pictures are not a norm for messages to</p> <p>17 14-year-old girls, you kind of have to have visual</p> <p>18 interactions. And it's important for people to be</p> <p>19 able to report or indicate that this was an unwanted</p> <p>20 nude.</p> <p>21 I think when you talk about timelines, it</p> <p>22 was, I believe -- so we talked about 2018,</p> <p>23 approximately six years ago, when she was 14, that</p> <p>24 she received her first unwanted penis picture on</p> <p>25 Instagram and was unable to find a reporting</p>
<p style="text-align: right;">Page 942</p> <p>1 the content had been deleted and she had told me not</p> <p>2 once.</p> <p>3 Q. And my question, Mr. Bejar, and I</p> <p>4 apologize if I was not clear, do you know on how</p> <p>5 many occasions your daughter reported some kind of</p> <p>6 bad experience?</p> <p>7 A. I don't know a precise number.</p> <p>8 Q. Okay. Do you know if it was more or less</p> <p>9 than ten times?</p> <p>10 A. I have no basis to know exactly how many</p> <p>11 times she reported contents.</p> <p>12 Q. Okay. And you talked about the restrict</p> <p>13 function on Instagram?</p> <p>14 A. Yes.</p> <p>15 Q. Did your daughter make use of the restrict</p> <p>16 function?</p> <p>17 A. I believe so.</p> <p>18 Q. Okay. And when you say you believe so,</p> <p>19 what is your basis for thinking that might be the</p> <p>20 case?</p> <p>21 A. Because we had talked about block and</p> <p>22 restrict and its properties and when she would use</p> <p>23 it. And so that's the basis. But it wasn't, like,</p> <p>24 Dad, I restricted somebody today.</p> <p>25 Q. Do you know on how many occasions your</p>	<p style="text-align: right;">Page 944</p> <p>1 category that fit it and indicated that it was an</p> <p>2 unwanted sexual advance. She started blocking and</p> <p>3 there was no way after she blocked somebody to</p> <p>4 indicate that it was an unwanted sexual advance.</p> <p>5 It was four years ago that we did the BEEF</p> <p>6 study that brought up significant data about</p> <p>7 unwanted sexual advances.</p> <p>8 And also, an e-mail to Mark Zuckerberg</p> <p>9 saying how my 14-year-old daughter, as other people</p> <p>10 had experienced of that age, received unwanted penis</p> <p>11 pictures.</p> <p>12 And as the state of the art of all of</p> <p>13 these things today in terms of safety features for</p> <p>14 Instagram, it's a minor can still send an</p> <p>15 unsolicited penis picture to another kid. Actually,</p> <p>16 somebody can send an unsolicited penis picture and</p> <p>17 the safety feature blurs the penis picture and says</p> <p>18 do you want to see it. But does not offer the</p> <p>19 opportunity to say this is an unwanted nude. In</p> <p>20 which context it creates a community where the</p> <p>21 behavior is normalized because there's no way for</p> <p>22 people to say that's an unwanted advance or an</p> <p>23 unwanted picture.</p> <p>24 And so in that six-year time frame, this</p> <p>25 has been the case. Just because we keep talking</p>

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<p style="text-align: right;">Page 945</p> <p>1 about time I was thinking about that.</p> <p>2 Q. Okay. You mentioned hidden words as a</p> <p>3 tool that she used on Instagram; is that right?</p> <p>4 A. That's right.</p> <p>5 Q. Do you remember on how many occasions she</p> <p>6 would have done that?</p> <p>7 A. It's a setting, so I think it's not</p> <p>8 that -- used it multiple times. It's that you go</p> <p>9 into settings and you turn it on in order to be able</p> <p>10 to use it. And then whether you then go in and put</p> <p>11 in the other words that you want to hide above and</p> <p>12 beyond the ones that are being previously identified</p> <p>13 by Instagram.</p> <p>14 Q. Okay. And you also referred to limit.</p> <p>15 A. Yes.</p> <p>16 Q. And can you tell us how your daughter made</p> <p>17 use of that tool?</p> <p>18 A. I think I said that I don't believe she</p> <p>19 had a need for that because that -- limit is a tool</p> <p>20 when you kind of get mobbed and so then it's kind of</p> <p>21 like a switch that says okay, just stop everything</p> <p>22 for a moment.</p> <p>23 For a much broader criteria that likely</p> <p>24 includes harmful as well as good content. But it's</p> <p>25 a switch that allows things to get better if you</p>	<p style="text-align: right;">Page 947</p> <p>1 that your daughter made use of to the extent that</p> <p>2 you can recall that?</p> <p>3 A. If I had the list of tools in front of me,</p> <p>4 I could probably match better. These are the ones</p> <p>5 that I recall right now.</p> <p>6 Q. Okay. And in her -- in your daughter's</p> <p>7 @car_girl public account, you have, in fact, been</p> <p>8 tagged in photos over the years; is that right?</p> <p>9 A. That is correct.</p> <p>10 Q. And why don't we look at Deposition</p> <p>11 Exhibit Number 72, which you should have in front of</p> <p>12 you.</p> <p>13 Do you have that, Mr. Bejar?</p> <p>14 A. I do.</p> <p>15 Q. And just so the jury is oriented to what</p> <p>16 we're looking at, up in the upper left-hand corner</p> <p>17 is the reference to your daughter's username on her</p> <p>18 public Instagram account, a car girl -- sorry --</p> <p>19 a_car_gal. Thank you. Excuse me. G-A-L.</p> <p>20 A. Thank you. It's an important distinction.</p> <p>21 Q. I know. It's important.</p> <p>22 Correct?</p> <p>23 A. Correct.</p> <p>24 Q. And then in the image there, is that a</p> <p>25 picture of your daughter with one of the cars that</p>
<p style="text-align: right;">Page 946</p> <p>1 have a large following and then suddenly, you get a</p> <p>2 significant amount of unwanted attention.</p> <p>3 Q. Okay. And your daughter, since she opened</p> <p>4 her a_car_gal Instagram account, it's always been</p> <p>5 public; is that right?</p> <p>6 A. I believe so, yes.</p> <p>7 Q. Has there ever been any occasion when you</p> <p>8 all discussed whether that account should be</p> <p>9 private?</p> <p>10 A. No, actually, because that -- the way that</p> <p>11 account was set up, the content shared, because we</p> <p>12 were weird about her being reidentified from it,</p> <p>13 there was a lot of care in the things that she</p> <p>14 shared on that. And so we did not talk about</p> <p>15 closing it.</p> <p>16 When she approached me about experiencing</p> <p>17 harassment on that account, I kind of measured the</p> <p>18 level of distress and kind of talked about</p> <p>19 strategies. And I did not ask her to close it.</p> <p>20 Q. Okay.</p> <p>21 A. Or turn it private.</p> <p>22 (Whereupon, a brief discussion off the</p> <p>23 record.)</p> <p>24 BY MS. JONES:</p> <p>25 Q. Were there any other tools on Instagram</p>	<p style="text-align: right;">Page 948</p> <p>1 she perhaps has rehabbed; is that what that is?</p> <p>2 A. It's a car that she grew up with.</p> <p>3 Q. Okay. Got it.</p> <p>4 And then a little further down --</p> <p>5 If we can just maybe put a box around</p> <p>6 this, Mr. Reynolds, so it's easy enough to see,</p> <p>7 there's a reference to -- there's a little image of</p> <p>8 a camera.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And that means what?</p> <p>12 A. That I was the photographer. That I was</p> <p>13 the person who took that photograph.</p> <p>14 Q. Okay. And then there's a reference to</p> <p>15 @arturobejar.</p> <p>16 Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. And @arturobejar is your public Instagram</p> <p>19 account; is that right?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And so what that's telling us is</p> <p>22 that you took the picture of your daughter that we</p> <p>23 see here on the screen, right?</p> <p>24 A. Yeah.</p> <p>25 Q. And it also means that you were tagged</p>

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<p style="text-align: right;">Page 949</p> <p>1 when she posted it on her public account; is that 2 right? 3 A. That is correct. 4 Q. Okay. And then this was posted, if we go 5 to the very bottom of the screen, on September 6 the 9, 2020; is that right? 7 A. Yes. Getting out for a drive in the 8 pandemic. 9 Q. Yes. Well, that would have been an 10 important exercise in mental health, I'm sure. 11 A. Yeah. 12 Q. So September 9, 2020. So this would have 13 been roughly a year into your time back at the 14 company as a consultant; is that right? 15 A. Correct. 16 Q. Including working on the Instagram 17 Well-Being team, right? 18 A. Correct. 19 Q. And I think you've testified that by this 20 time you were aware of, at minimum, the negative 21 experience survey data; is that right? 22 A. That's correct. 23 Q. Okay. And so this is a -- but this is a 24 public post that your daughter made of a picture 25 that you took to her and -- took of her and that you</p>	<p style="text-align: right;">Page 951</p> <p>1 the post or the fact that you all had had a 2 conversation that your daughter had made this post, 3 right? 4 A. That is correct. 5 Q. Okay. Including after you learned about 6 the negative experience survey data? 7 A. Yes, I mean, I think that by this time, I 8 was not -- I felt that my -- as I've already said, 9 that my daughter had sort of encountered issues, had 10 strategies, had support, had this whole scaffolding 11 around her so that it wasn't -- I mean, I think -- I 12 think when I look at my daughter today, I'm sort of 13 really proud of how she has carried herself and -- 14 and found her way. And I'm grateful that she had 15 the trust in me to have these conversations around 16 all the experiences that she had. 17 Q. Okay. But as of this date, you still 18 thought it was okay for your daughter to have a 19 public Instagram account, a_car_gal, yes? 20 A. That is correct. 21 Q. Okay. Let me ask you to take a look at 22 Exhibit Number -- Deposition Exhibit Number 73. 23 And, Mr. Bejar, this is another post by 24 your daughter on her public Instagram account where 25 her username is a_car_gal, right?</p>
<p style="text-align: right;">Page 950</p> <p>1 were tagged in, right? 2 A. That is correct. 3 Q. And the fact that you were tagged means 4 that you would have known that the picture was 5 posted, right? 6 A. Actually, before she posted pictures and 7 tagged me, we would discuss it. 8 Q. Okay. Got it. 9 So -- that is a helpful clarification. 10 So was it the case that before your 11 daughter would post pictures on her public Instagram 12 account that she would talk to you about her plans 13 to do that? 14 A. Yes. 15 Q. And when did -- does that continue to be 16 the case or did that stop when she turned 18? 17 A. I think she still talk about it sometimes. 18 Again, I'd say this with a little bit of hesitation 19 for precision -- 20 Q. Uh-huh. 21 A. -- because this is something that we do 22 together. 23 Q. Yeah. Understood. 24 And so no question you would have known 25 either because of the fact that you were tagged in</p>	<p style="text-align: right;">Page 952</p> <p>1 A. That is correct. 2 Q. And is that a picture of your daughter in 3 the red hat in front of the car? 4 A. Yes. 5 Q. And the date of this post -- well, before 6 we get to the date, there's that same icon and the 7 indication that you were tagged in the post. 8 Do you see that? 9 A. That is correct. 10 Q. And does that mean that you took the 11 picture? 12 A. At some point -- I believe this picture 13 was from a trip we took a lot earlier. 14 Q. Okay. Well, I guess my question was, do 15 you understand that little camera icon to indicate 16 that you took this picture of your daughter? 17 A. Yeah, yeah, the camera icon, being tagged 18 on it. 19 Q. Okay. And whether you knew about it 20 because you were tagged or because you all had had a 21 conversation about it, you were aware that your 22 daughter was posting on her public account a picture 23 that you had taken of her? 24 A. That is correct. 25 Q. Okay. And you would have had an occasion,</p>

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<p style="text-align: right;">Page 953</p> <p>1 an ability to see all the hashtags that appeared on 2 the post; is that right? 3 A. That is correct. 4 Q. Okay. And down at the bottom of that 5 post, we can see the date, right? 6 A. Correct. 7 Q. And that's November 21st, 2021, yes? 8 A. That is correct. 9 Q. And so this would have been after you had 10 completed your time at the company as a consultant, 11 right? 12 A. That is correct. 13 Q. And this would have been after the time 14 that you had learned about the BEEF survey data, 15 right? 16 A. That is correct. 17 Q. And it would have been after the time that 18 you sent an e-mail to Adam Mosseri and Mark 19 Zuckerberg and Sheryl Sandberg about that data, 20 right? 21 A. And Chris Cox. 22 Q. And Chris Cox -- excuse me -- right? 23 A. That's correct. 24 Q. And as of this date, November 21st, 2021, 25 for all the factors, all the reasons that you've</p>	<p style="text-align: right;">Page 955</p> <p>1 I believe that her -- in the context of 2 Snapchat, sort of people she didn't know sliding 3 into her DMs was much less of an issue. And so that 4 was a different kind of -- things that she 5 experienced there. 6 So I think in order to provide like an 7 accurate depiction of the harm that she experienced 8 I would have to touch base with her and ask her 9 about the different products. It was my 10 understanding, though, in talking to her about these 11 things at the time that she experienced most bad 12 experiences on Instagram compared to other platforms 13 that she used. 14 BY MS. JONES: 15 Q. Okay. And just to make sure that I'm 16 precise in the question that I'm posing at the 17 moment, was it the -- you've testified that your 18 daughter was on a number of different social media 19 platforms, right? 20 A. Over time. 21 Q. Over time. Sure. 22 Yes? 23 A. Correct. 24 Q. Did she have negative experiences on any 25 of those other social media platforms?</p>
<p style="text-align: right;">Page 954</p> <p>1 already explained, it was still fine and acceptable 2 to you that your daughter had a public account on 3 Instagram, yes? 4 A. All the factors that I've explained. 5 Q. Yes. 6 And so, Mr. Bejar, we were talking about 7 time earlier. 8 Can I have the Elmo, please. 9 I just want to talk a little bit about how 10 these things relate to each other. I think you 11 testified that your daughter experienced her first 12 unwanted sexual advance in 2018; is that right? 13 A. Correct. 14 Q. And while I'm writing this out, was this 15 the case -- did your daughter ever have negative 16 experiences on any of the other social media 17 platforms that she was using? 18 MR. CARTMELL: Object to the form. 19 Foundation. 20 THE WITNESS: I mean, that's a really 21 broad question. I think, for example, Discord, when 22 she went on there, gave her much better tools to 23 create a safe environment to talk about cars than 24 Instagram did. So she had many lists, bad 25 experiences at Discord than she did at Instagram.</p>	<p style="text-align: right;">Page 956</p> <p>1 MR. CARTMELL: Objection. Asked and 2 answered. 3 THE WITNESS: I think I've already 4 answered that question that she had negative 5 experiences on other platforms but more on 6 Instagram. 7 BY MS. JONES: 8 Q. Okay. Understood. 9 So in 2019, I believe you've already told 10 us, was when you learned about the negative 11 experience survey data, right? 12 A. Correct. Which I believe did not include 13 information of unwanted sexual advances. 14 Q. Okay. 15 A. But I might be fuzzy on that right now. 16 It's been a long couple of days. 17 Q. I know the feeling. Okay. 18 And then in 2021, you learned about the 19 BEEFs data that you testified about, correct? 20 A. That is correct. 21 Q. And that included data on, as you've 22 described it, experiences with unwanted sexual 23 advances? 24 A. That's correct. And I also wrote to 25 Mr. Zuckerberg and Mosseri about -- and Chris Cox</p>

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<p style="text-align: right;">Page 957</p> <p>1 and Sheryl Sandberg about these unwanted sexual 2 advances on Instagram, in particular, the penis 3 pictures. 4 Q. And I'll note that since you've mentioned 5 it. 6 And then in 2023, you actually testified 7 on three separate occasions, right? 8 A. Correct. 9 Q. You testified in the FTC antitrust action, 10 right? 11 A. Correct. 12 Q. You testified in an investigative inquiry 13 with the Tennessee AG's Office, right? 14 A. Correct. 15 Q. And you testified before the United States 16 Senate, right? 17 A. I did. 18 Q. Or at least the committee of the United 19 States Senate, right? 20 A. A judiciary committee. 21 Q. Thank you. 22 And in those last settings, that last 23 setting in 2023 you raised a number of concerns 24 about harms to young people on Instagram, yes? 25 A. That is correct.</p>	<p style="text-align: right;">Page 959</p> <p>1 Q. And for all the reasons that you've 2 already explained to the jury, you thought it was 3 acceptable and okay for your daughter to continue to 4 use Instagram, right? 5 A. Correct. 6 Q. Okay. And at the same time, you, 7 yourself, were using Instagram, right? 8 A. I was. 9 Q. And that had started at least as early as 10 2015, maybe earlier, right? 11 A. Yes. 12 Q. And has continued to be the case right up 13 until the present day? 14 A. Yes. 15 Q. You are an Instagram user, as you sit here 16 today, yes? 17 A. I am, yes. 18 Q. Instead of writing your daughter's name 19 I'm just going to write "Mr. B's daughter" on this. 20 A. Thank you for that. 21 Q. Sure. 22 Do you need to take a break? 23 A. No, it's okay. 24 Q. Okay. 25 A. I'll get through it.</p>
<p style="text-align: right;">Page 958</p> <p>1 Q. Okay. During the entirety of this period, 2 your daughter had a public Instagram account, yes? 3 A. No. I believe that the public -- 4 Q. You're right. I misstated that. 5 A. Okay. 6 Q. At least starting in 2018, your daughter 7 had a private Instagram account? 8 A. Correct. 9 Q. Yes? 10 And she was using it with your permission 11 and awareness continually, right up to today, right? 12 A. That is correct. 13 Q. And sometime later your daughter created a 14 public Instagram account, yes? 15 A. That is correct. 16 Q. And it sounds like you don't know exactly 17 when that was but it was sometime after she started 18 her account in 2018? 19 A. Yes. 20 Q. Okay. And for her -- I'm not going to put 21 a dot on here because we're unsure about the 22 starting point. But at least for that public 23 account, that continued to be used and open this 24 entire time period, right? 25 A. Correct.</p>	<p style="text-align: right;">Page 960</p> <p>1 Q. Okay. And so what is reflected here on 2 this timeline, this is an accurate representation of 3 both what you were learning over time but also you 4 and your daughter's actual use of the platform 5 Instagram, yes? 6 A. Yes. 7 I look at that and -- 8 Q. I'm sorry, Mr. Bejar, there's not a 9 question pending. So let me get to my next 10 question. 11 A. Okay. Of course. 12 MS. JONES: Can you mark this, please. 13 (Whereupon, Meta-Bejar Exhibit 74 was 14 marked for identification.) 15 BY MS. JONES: 16 Q. Let me thank you, Mr. Bejar, for letting 17 me ask you those questions. I know your daughter is 18 near and dear to your heart. And I am -- was not 19 doing it to upset you, obviously. 20 I'm moving on to another topic. Do you 21 need a break before we do that? 22 A. No, I'm okay. 23 Q. Okay. Now, I think you told me already 24 that -- 25 And I'm going to just -- can you put this</p>

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<p style="text-align: right;">Page 961</p> <p>1 at the bottom of your pile so we keep everything in 2 one place. Thank you. 3 MR. WARD: Thank you. 4 BY MS. JONES: 5 Q. I think you've already told me that some 6 of the issues that you've raised in terms of 7 potential bad experiences on Instagram are not 8 unique to Meta's platform; is that right? 9 MR. CARTMELL: Object to the form. 10 THE WITNESS: I mean, that's a pretty 11 broad statement. But yeah. 12 BY MS. JONES: 13 Q. Okay. And just to follow up on that, 14 there are predators who exist on other online 15 platforms, right? 16 A. There were predators when I started 17 working for Yahoo!. There were predators when I 18 started working for Facebook or Meta. And there 19 continue to be predators today. 20 Q. Right. 21 And you started working -- remind me 22 again. You started working at Yahoo! in 1998? 23 A. Yes. 24 Q. Okay. And so that's some years back, 25 right?</p>	<p style="text-align: right;">Page 963</p> <p>1 My question was simply, going back to your 2 time at Yahoo! in the 1990s, online predators were 3 something that companies had to deal with; is that 4 accurate? 5 A. Something that was -- should be a top 6 priority for every company to deal with. 7 Q. Sure. 8 A. But it should be eradicated as best as you 9 can from whatever platform that you are responsible 10 for. 11 Q. Okay. And predators exist offline as 12 well, right, unfortunately? 13 A. Unfortunately, they do. 14 Q. Okay. And -- 15 A. They get more access online. 16 Q. Well -- fair enough. 17 But there's no question that predators are 18 not just online, they also exist offline, right? 19 A. That is correct. 20 Q. And -- and you have described your time at 21 Yahoo! and at Meta. 22 Has it -- was it your experience that 23 there -- that predators sometimes worked to get 24 around the types of tools that companies put in 25 place because the predators are trying to avoid</p>
<p style="text-align: right;">Page 962</p> <p>1 A. Yes. 2 Q. The existence of predators on online 3 platforms has been kind of a chronic problem that 4 the industry has needed to work on, yes? 5 MR. CARTMELL: Object to the form. 6 THE WITNESS: Yes, that's a really -- to 7 call it a chronic problem is, I don't know, it's a 8 little weird to me. The job on my first stint was 9 completely -- again, knowing that the number to zero 10 is very difficult -- 11 (Whereupon, a brief discussion off the 12 record.) 13 THE WITNESS: That getting things to zero, 14 like to say there's going to be zero people, but 15 we -- the job was to be extraordinarily aggressive 16 at removing predators from sites, including, for 17 example, we had classifiers that were looking at 18 messages to help find predators that were using 19 Facebook Messenger. Classifiers that I believe no 20 longer work in the context of end-to-end encrypted 21 messages. 22 BY MS. JONES: 23 Q. And I -- Mr. Bejar, I didn't mean to throw 24 you off by asking a question that may have seemed 25 weird.</p>	<p style="text-align: right;">Page 964</p> <p>1 detection? 2 MR. CARTMELL: Object to the form. 3 THE WITNESS: Can you repeat the question, 4 please? 5 BY MS. JONES: 6 Q. Sure. Let me remind myself of what the 7 question was exactly. 8 In your experience, predators sometimes 9 work around -- find ways to try and get around tools 10 that companies might put in place to stop their 11 behavior? 12 A. Yes, which is why it's so incredibly 13 important to give a teenager a good tool to tell you 14 when that is happening. My daughter would come up 15 with her phone and show me accounts of people that 16 she knew were fake. And she tried reporting as fake 17 and weren't taken down. 18 And at that point, right, when the request 19 first happens, it's a really powerful point where a 20 teenager can say that person is not who they say 21 they are. And you could use that to stop other 22 predators from doing that. 23 My daughter was not able to do that. When 24 she got that in messages, she was not able to 25 articulate that -- what was happening through the</p>

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<p style="text-align: right;">Page 965</p> <p>1 reporting flow. So the company was deaf to her 2 efforts at identifying predators when she came 3 across them. Fortunately, she would talk to me 4 about it and she had a strategy. We had a plan. 5 She used block. I don't believe that at any point 6 in time she was vulnerable to that. 7 But having spoken to kids that have been 8 groomed, I understand all too well how moment of 9 vulnerability for a kid can play out into the most 10 disastrous of consequences. 11 MS. JONES: Okay. Let me move to strike, 12 with respect, everything after the word "Yes." 13 Let me hand you what we have marked as 14 Deposition Exhibit Number 75. This is my copy. 15 (Whereupon, Meta-Bejar Exhibit 75 was 16 marked for identification.) 17 BY MS. JONES: 18 Q. Mr. Bejar, do you recognize what we've 19 marked as Deposition Exhibit Number 75? 20 A. Yes, I do. 21 Q. Okay. And if you look at the bottom of 22 Deposition Exhibit Number 75, this is at least one 23 version of the e-mail that you sent to Adam Mosseri 24 on October 14th, 2021? 25 A. This was the pre-read I sent to Adam, I</p>	<p style="text-align: right;">Page 967</p> <p>1 advance. 2 Q. Did you know that, in fact, even as 3 recently as this year, Roblox has been the subject 4 of litigation around child sex predators? 5 A. I did not know that. 6 Q. Okay. Well, let me hand you what we've 7 marked as Deposition Exhibit Number 76. 8 (Whereupon, Meta-Bejar Exhibit 76 was 9 marked for identification.) 10 BY MS. JONES: 11 Q. And just to orient ourselves, Mr. Bejar, 12 this is an article dated February 21st, 2025. 13 You can see that. 14 A. Uh-huh. 15 Q. And you're welcome to look at it -- as 16 much of it as you want to. 17 But February 21st is not too long ago, two 18 or three months, right? 19 A. Correct. 20 Q. And -- 21 MR. CARTMELL: Can I, just real quick, 22 Phyllis, for the record, object to any questions on 23 this. Lacks foundation. It also is hearsay. And 24 I'll object to the form of these questions and any 25 use of this with the witness.</p>
<p style="text-align: right;">Page 966</p> <p>1 believe. 2 Q. Okay. Got it. 3 And you're welcome to look at whatever in 4 here you would like to. 5 But at the bottom of the second page of 6 that e-mail with Mr. Mosseri, you said -- you have a 7 heading that says, "Can we shift the conversation 8 into one of hope and leadership?" Right? 9 A. Yes. 10 Q. And you have a bullet underneath that that 11 says, "Everyone in the industry has the same 12 problems right now." Right? 13 A. Correct. 14 Q. And that was a true statement when you 15 wrote it in 2021, right? 16 A. Yes. 17 Q. Okay. You -- I think yesterday when we 18 were talking about other social media platforms and 19 the extent to which they've been able to 20 successfully eliminate some of these harms, I think 21 you mentioned Roblox; is that right? 22 A. I think I mentioned in the context of 23 certain age of accounts where the interactions are 24 mediated. That I believe in that context it would 25 be very difficult to express an unwanted sexual</p>	<p style="text-align: right;">Page 968</p> <p>1 You can go ahead. 2 MS. JONES: Sure. I think all your 3 hearsay objections are observed for purposes of the 4 record. But it's fine if you want to sit here. If 5 that makes you feel better, it's fine. 6 MR. CARTMELL: I probably shouldn't have 7 said it. 8 MS. JONES: No, no, no, it's okay. It's 9 okay. Although we're sustaining foundation 10 objections. I've got a lot of them on the record. 11 Q. Okay. Exhibit Number 76, if we look at 12 the title of Deposition Exhibit Number 76, it says, 13 "Roblox is 'hunting ground for child sex 14 predators.'" Right? 15 A. Correct. 16 Q. And it refers to a lawsuit that's made 17 that claim, right? 18 A. Correct. 19 Q. And in the actual text of the article it 20 says, "A new lawsuit filed in San Mateo County court 21 claims Roblox, one of the most popular online gaming 22 platforms for children in the world, 'provides a 23 hunting ground for child sex predators.'" 24 A. Correct. 25 Q. Do you see that?</p>

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<p style="text-align: right;">Page 969</p> <p>1 A. I see that.</p> <p>2 Q. If you go to the second page, it says,</p> <p>3 "The lawsuit was filed by law firm" -- and then it</p> <p>4 names the law firm -- "earlier this month on behalf</p> <p>5 of a 13-year-old boy who was an 'avid user of Roblox</p> <p>6 and Discord.' Adults can use Roblox and Discord to</p> <p>7 contact minors through direct messages while</p> <p>8 pretending to be children, the suit claims."</p> <p>9 Do you see that?</p> <p>10 A. Yeah, I mean, I think that the really</p> <p>11 important thing about this is that --</p> <p>12 Q. My -- I'm sorry, Mr. Bejar. My question</p> <p>13 was just do you --</p> <p>14 MR. CARTMELL: Whoa, wait.</p> <p>15 MS. JONES: Well, my question was, "Do you</p> <p>16 see that?"</p> <p>17 MR. CARTMELL: But he gets to ask [sic] it</p> <p>18 and then you, if you want to, you can move to strike</p> <p>19 it. But he was answering the question and you cut</p> <p>20 him off, so...</p> <p>21 MS. JONES: Well, my -- well, no, he</p> <p>22 wasn't.</p> <p>23 MR. CARTMELL: Go ahead. Go ahead. You</p> <p>24 finish your answer.</p> <p>25 THE WITNESS: Okay. So what --</p>	<p style="text-align: right;">Page 971</p> <p>1 MR. CARTMELL: No, what I am saying is</p> <p>2 he -- finish your answer --</p> <p>3 THE WITNESS: Yeah, let's --</p> <p>4 MR. CARTMELL: -- and then we'll resume.</p> <p>5 THE WITNESS: Can I finish?</p> <p>6 MS. JONES: Well, just to be clear, I want</p> <p>7 an answer to my actual question so you can say</p> <p>8 whatever you want but I'm going to go back to my</p> <p>9 actual question.</p> <p>10 So go ahead.</p> <p>11 THE WITNESS: Okay. I see that the</p> <p>12 lawsuit was filed on behalf of a 13-year-old boy who</p> <p>13 has access to messaging where you can actually write</p> <p>14 messages, which is different from the design of</p> <p>15 Roblox for younger kids where you cannot type in a</p> <p>16 message, you have to rely on canned sentences to</p> <p>17 drive exchanges.</p> <p>18 And so a messaging context will include</p> <p>19 adults pretending to be children as sextortionists</p> <p>20 do on Instagram, and that's one of the key areas</p> <p>21 that companies have to work on. So I was not</p> <p>22 referring to Roblox for 13 and older. I was</p> <p>23 referring to the design for younger kids.</p> <p>24 BY MS. JONES:</p> <p>25 Q. Okay. But for purposes of teenagers who</p>
<p style="text-align: right;">Page 970</p> <p>1 MS. JONES: No, no, no, excuse me,</p> <p>2 Mr. Bejar.</p> <p>3 MR. CARTMELL: That's the rules.</p> <p>4 MS. JONES: Well, my -- well, the rules</p> <p>5 are he has to respond to my questions. My question</p> <p>6 was do you --</p> <p>7 MR. CARTMELL: You don't get to decide</p> <p>8 whether he's responding to your question.</p> <p>9 BY MS. JONES:</p> <p>10 Q. My question is, do you see that,</p> <p>11 Mr. Bejar?</p> <p>12 MR. CARTMELL: You can finish your answer.</p> <p>13 MS. JONES: Mr. Cartmell, you are</p> <p>14 inappropriately coaching the witness.</p> <p>15 MR. CARTMELL: I'm not coaching the</p> <p>16 witness at all. I witnessed what you did, which was</p> <p>17 he was giving an answer and you cut him off and said</p> <p>18 whoa, whoa, whoa, whoa, the question is this.</p> <p>19 You get to let him answer and then he --</p> <p>20 you can move to strike it and a judge decides later.</p> <p>21 Phyllis Jones does not decide whether his answer was</p> <p>22 responsive or not.</p> <p>23 MS. JONES: Okay. I understand your</p> <p>24 objection. Thank you. I understand your objection.</p> <p>25 Q. Mr. Bejar, do you see what I read there?</p>	<p style="text-align: right;">Page 972</p> <p>1 are allowed to be on platforms like Instagram,</p> <p>2 Roblox has the same issue as reflected in this</p> <p>3 exhibit, right?</p> <p>4 MR. CARTMELL: Object to the form.</p> <p>5 THE WITNESS: I believe that products that</p> <p>6 allow direct messaging enable this, which is</p> <p>7 actually why it's interesting that TikTok for</p> <p>8 younger users does not allow direct messaging.</p> <p>9 BY MS. JONES:</p> <p>10 Q. You, I think, testified, I think it was</p> <p>11 Monday, that --</p> <p>12 We can take that down. Thank you,</p> <p>13 Mr. Reynolds.</p> <p>14 -- that in all of your work you have never</p> <p>15 seen any other place that has as much bullying as</p> <p>16 goes on on Instagram.</p> <p>17 Did you say that?</p> <p>18 A. I mean, it was two days ago. You can see</p> <p>19 the transcript to be able to say whether that's the</p> <p>20 words that I used.</p> <p>21 Q. Well, is that your view?</p> <p>22 MR. CARTMELL: Object to the form.</p> <p>23 THE WITNESS: Again, if you're asking me</p> <p>24 to say do you recall a specific sentence that you</p> <p>25 said, like, two days ago, like --</p>

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<p style="text-align: right;">Page 973</p> <p>1 BY MS. JONES:</p> <p>2 Q. That's not what I'm asking you.</p> <p>3 I'm asking you, is it your view that in</p> <p>4 all your work you have never seen any other place</p> <p>5 that has as much bullying as what goes on on</p> <p>6 Instagram?</p> <p>7 And if that's not your view, it's fine.</p> <p>8 I'm just trying to make sure I understand.</p> <p>9 A. No, I'm just -- I'm thinking about sort of</p> <p>10 the statement because I do think that there's a big</p> <p>11 difference between the large service providers, so</p> <p>12 you think about things like Instagram and Snap and</p> <p>13 the big companies, and then there's like these</p> <p>14 smaller companies that don't really even begin to</p> <p>15 try to deal with these kinds of issues.</p> <p>16 There's kind of like applications that are</p> <p>17 anonymous by design and I think that's like a</p> <p>18 terrible environment where you might be experiencing</p> <p>19 with those issues.</p> <p>20 What I think when I look at Instagram, if</p> <p>21 I look at the number of users combined with the</p> <p>22 percentage of them that experience the issues,</p> <p>23 combined with the percentage of them that witness</p> <p>24 the issues happening, I believe that might be the</p> <p>25 largest community of users that experience those</p>	<p style="text-align: right;">Page 975</p> <p>1 Q. Okay. But you can tell it was not a</p> <p>2 question by me, right, because I was objecting?</p> <p>3 A. I can see that you were objecting.</p> <p>4 Q. And I didn't ask any questions on the</p> <p>5 first day, right?</p> <p>6 A. No.</p> <p>7 MR. CARTMELL: Can I have a continuing</p> <p>8 objection to this?</p> <p>9 MS. JONES: Yes.</p> <p>10 MR. CARTMELL: Please. Thank you.</p> <p>11 MS. JONES: You're welcome.</p> <p>12 Q. The question, starting at line 1, is, "In</p> <p>13 all of your work have you ever seen in any other</p> <p>14 place as much bullying that goes on on Instagram?"</p> <p>15 That was the question, right?</p> <p>16 A. That is correct.</p> <p>17 Q. And your answer was, "No, I have not seen</p> <p>18 as much bullying in other environments as I have</p> <p>19 seen in Instagram."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And let me go back to my question.</p> <p>23 Have you done a systematic analysis of the</p> <p>24 rate of bullying across social media platforms?</p> <p>25 A. I have not.</p>
<p style="text-align: right;">Page 974</p> <p>1 issues.</p> <p>2 Q. Okay. Have you actually done a systematic</p> <p>3 analysis comparing the rate of bullying on Instagram</p> <p>4 to bullying on other social media platforms?</p> <p>5 A. In order to -- for that systematic</p> <p>6 analysis to be best done, ideally it is done by the</p> <p>7 platforms within the context of the product with</p> <p>8 external oversight. And so it is very difficult but</p> <p>9 necessary sometimes for external researchers to be</p> <p>10 able to get enough data in order to be able to make</p> <p>11 the same kinds of things that you could learn from a</p> <p>12 survey like BEEF.</p> <p>13 Q. Okay. Mr. Bejar, let me ask Mr. Reynolds</p> <p>14 to show us page 304 from day one of your deposition</p> <p>15 this week.</p> <p>16 MR. CARTMELL: I'll object to this line of</p> <p>17 questioning as improper impeachment.</p> <p>18 BY MS. JONES:</p> <p>19 Q. At the top of the page -- we're on</p> <p>20 page 304. Do you see line 1?</p> <p>21 A. I do.</p> <p>22 Q. And do you remember this was questioning</p> <p>23 by Mr. Cartmell? Maybe you don't remember. It's</p> <p>24 okay if you don't.</p> <p>25 A. I don't.</p>	<p style="text-align: right;">Page 976</p> <p>1 MS. JONES: We can take that down, please,</p> <p>2 Mr. Reynolds.</p> <p>3 Q. Do you -- do you -- is bullying a complex</p> <p>4 issue in terms of trying to manage it and minimize</p> <p>5 it as much as possible?</p> <p>6 MR. CARTMELL: Object to the form.</p> <p>7 THE WITNESS: Sorry, that -- can you</p> <p>8 repeat the question?</p> <p>9 BY MS. JONES:</p> <p>10 Q. Yes.</p> <p>11 Is bullying a complex issue in terms of</p> <p>12 trying to reduce it and also manage it when it</p> <p>13 happens?</p> <p>14 MR. CARTMELL: Same objection.</p> <p>15 BY MS. JONES:</p> <p>16 Q. Manage the results when it happens?</p> <p>17 MR. CARTMELL: Sorry. Same objection.</p> <p>18 THE WITNESS: That question is too broad,</p> <p>19 I believe, because the issue of providing a teenager</p> <p>20 effective help and support when they are</p> <p>21 experiencing bullying, that is not a -- that is</p> <p>22 something that has already been done.</p> <p>23 And there's significant amount of work</p> <p>24 done by Facebook in my first stint as to the</p> <p>25 properties that a tool should have that you give a</p>

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<p style="text-align: right;">Page 977</p> <p>1 teenager to deal with -- I mean, if you use bullying 2 as a top level topic, but it really means a lot of 3 things. 4 And so if the question is about is it -- 5 is it a complex problem to create a tool that 6 provides meaningful help for a teenager when they've 7 experienced bullying. The answer to that is a lot 8 of complexity around it has already been worked out 9 and has been done. 10 You want the person to be able to express 11 the issue, to tell you the intensity of the issue, 12 and then you give them resources and support 13 depending on the combination of the issue and the 14 intensity, completely separate from whether the 15 content is something that you would remove or not. 16 Which takes lessons from how these things work in 17 school environments and other areas where it needs 18 to be addressed. 19 BY MS. JONES: 20 Q. Mr. Bejar, by the time that you had left 21 Meta in 2015, had your team eliminated bullying on 22 Facebook or Instagram? 23 A. I mean, I think we have established a 24 couple of times during the questions that you have 25 been asking me that the concept of elimination,</p>	<p style="text-align: right;">Page 979</p> <p>1 somebody in a moment of vulnerability, that 2 normalizes the behavior, and so it's so critical 3 that you follow these things. And these things, 4 right, are very doable, very workable. 5 The company had been doing them with very 6 good metrics by 2015 and I was -- I really hoped 7 that the similar framework with the technology that 8 we have today is available to kids today because 9 that would make a big difference. 10 MS. JONES: I'm going to move to strike 11 all of that as nonresponsive. 12 Q. Is it the case that bullying happens in 13 schools? 14 A. Yes. 15 Q. And as far as you know, have schools been 16 able to eliminate bullying? 17 A. A number of schools have been able to make 18 a huge reduction in bullying through the application 19 of something called -- one of the examples of 20 this -- called the RULER program, which was 21 developed by Yale. 22 And it was the results of the RULER 23 program that led us to partner with Yale to develop 24 products. Because as far as I could tell, that was 25 best in class in the world at meaningfully reducing</p>
<p style="text-align: right;">Page 978</p> <p>1 right, to zero, I think successfully and completely 2 solving the problem is not -- I don't know even what 3 words to use at this point. I think I've already 4 covered that. 5 But it's like some of these things, right, 6 you break them down, are you helping the person with 7 issue when they're experiencing it. Are you using 8 that information to drive that the likelihood of 9 this information to happen -- of this issue 10 happening down. Are you giving feedback to the 11 people that were initiating. 12 We saw from the work in -- from 2012 or 13 2011 to 2015, that teenagers that got told that they 14 were having a negative impact on other teenagers 15 appreciated receiving the feedback and adjusted 16 their behavior therefore driving down the likelihood 17 that they would be sources of bullying. 18 If you have a system like that running 19 over a long enough period of time, you create an 20 environment where it's not acceptable or the norm 21 for that to happen. 22 If you do not do that, you create an 23 environment where if somebody sees a comment 24 harassing somebody else with things like racism, 25 things -- other things that really might affect</p>	<p style="text-align: right;">Page 980</p> <p>1 the amount of bullying that was happening in schools 2 in a measurable and sustainable fashion. 3 Q. What is the specific -- what are the 4 specific schools that you're thinking of where, 5 based on what you just described, there was a huge 6 reduction in bullying? 7 A. You have to look at the papers published 8 by [REDACTED] and [REDACTED] about the 9 application of the RULER program in schools. 10 Q. Okay. So could you give me a name of the 11 school today? 12 A. I don't recall. This was ten years ago. 13 Q. Okay. 14 A. Or more. 15 Q. Let me take just one other example of this 16 notion of social comparison that you talked about. 17 You're familiar with that as just a 18 concept? 19 A. Yes. 20 Q. And the experience of comparing one's self 21 to another person, that can be just a natural part 22 of life. 23 Can we agree on that? 24 A. Yes. 25 Q. And comparison can be negative but it can</p>

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<p style="text-align: right;">Page 981</p> <p>1 also be positive, right?</p> <p>2 A. That is correct. I think, though,</p> <p>3 negative in volume can be profoundly harmful.</p> <p>4 Q. Understood.</p> <p>5 For example, I might compare -- in the</p> <p>6 category of negative self-comparison, I might</p> <p>7 compare my house to my neighbor's house and feel bad</p> <p>8 because I wish I had a nicer house, right?</p> <p>9 A. In the context of negative comparison, two</p> <p>10 of the parents that I spoke to, mothers in this</p> <p>11 case, told me that in both cases the daughters, who</p> <p>12 were absolutely beautiful, after spending a</p> <p>13 meaningful amount of time on Instagram said, I'm not</p> <p>14 beautiful enough. I'm not good enough. And this is</p> <p>15 the case of two teen girls that I believe committed</p> <p>16 suicide.</p> <p>17 MS. JONES: I'm going to move to strike</p> <p>18 all of that as nonresponsive.</p> <p>19 Q. My question was, in the category of</p> <p>20 negative social comparison, I might compare my house</p> <p>21 to my neighbor's house and I might feel badly</p> <p>22 because I wish I had a different or better house,</p> <p>23 yes?</p> <p>24 MR. CARTMELL: Objection. Asked and</p> <p>25 answered.</p>	<p style="text-align: right;">Page 983</p> <p>1 category, I might see that you play tennis well and</p> <p>2 I might be inspired to improve my own tennis game,</p> <p>3 right?</p> <p>4 MR. CARTMELL: Objection.</p> <p>5 THE WITNESS: I believe I've answered</p> <p>6 this. But one of the things that I've noticed in</p> <p>7 the way that Meta talks about these issues is they</p> <p>8 grab ahold of an example but they don't give enough</p> <p>9 credit to the negative example and that's</p> <p>10 fundamentally the problem that I believe we're</p> <p>11 talking about today.</p> <p>12 MS. JONES: I'm going to move to strike</p> <p>13 all of that as nonresponsive.</p> <p>14 Q. Mr. Bejar, it's my sincere hope that we</p> <p>15 finish up today, but I really am going to ask that</p> <p>16 you try your best to focus on my questions as you</p> <p>17 can, okay?</p> <p>18 A. I am very focused on your questions.</p> <p>19 Q. Okay. And some of the experiences, the</p> <p>20 negative experiences that might relate to being a</p> <p>21 teenager are things that could happen offline,</p> <p>22 right?</p> <p>23 A. Correct.</p> <p>24 Q. So in your example, and it is no doubt</p> <p>25 indeed a very tragic example, a teenager could</p>
<p style="text-align: right;">Page 982</p> <p>1 THE WITNESS: I believe I've already</p> <p>2 answered the question.</p> <p>3 BY MS. JONES:</p> <p>4 Q. You have -- you have not. But let's take</p> <p>5 something closer to your example.</p> <p>6 If I'm a teenager, I might see the outfit</p> <p>7 that another teenager is wearing, and I might feel</p> <p>8 some kind of negative feeling because I wish I had</p> <p>9 different or better clothes, right?</p> <p>10 MR. CARTMELL: Object to the form.</p> <p>11 THE WITNESS: Yeah.</p> <p>12 BY MS. JONES:</p> <p>13 Q. But social comparison can also play out in</p> <p>14 a positive direction, right?</p> <p>15 A. It can play out on a positive direction</p> <p>16 and a negative direction, which is absolutely</p> <p>17 essential to get intensity data on the negative</p> <p>18 direction so that you know whether you're talking</p> <p>19 about a teenager that's comparing clothes or a</p> <p>20 teenager who is feeling very bad about themselves</p> <p>21 after spending a long time on Instagram.</p> <p>22 MS. JONES: Okay. Let me move to strike</p> <p>23 everything after the first -- the second direction</p> <p>24 in that answer.</p> <p>25 Q. And just to take an example in that</p>	<p style="text-align: right;">Page 984</p> <p>1 observe another teen and draw comparisons between</p> <p>2 her looks and someone else's looks offline, right?</p> <p>3 A. I believe that the difference between the</p> <p>4 example that you quoted and the example that I</p> <p>5 quoted is that -- and it's I believe one thing to</p> <p>6 see one person in school and have feelings about it</p> <p>7 and that's substantially different to seeing, like,</p> <p>8 potentially thousands of posts that reinforce that</p> <p>9 notion.</p> <p>10 MS. JONES: I'm going to, again, move to</p> <p>11 strike as nonresponsive.</p> <p>12 Q. My question was simply an example that you</p> <p>13 articulated earlier involving a teenage girl who's</p> <p>14 comparing her looks to someone else's looks. That</p> <p>15 is something that could play out off the internet,</p> <p>16 right?</p> <p>17 MR. CARTMELL: Objection. Asked and</p> <p>18 answered.</p> <p>19 THE WITNESS: I believe I was talking</p> <p>20 about the example I articulated earlier.</p> <p>21 BY MS. JONES:</p> <p>22 Q. Okay. And that could happen off the</p> <p>23 internet?</p> <p>24 A. I think it's fundamentally different on</p> <p>25 the internet than off the internet.</p>

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<p style="text-align: right;">Page 985</p> <p>1 Q. Sure.</p> <p>2 It could be different in intensity, it</p> <p>3 could be different in volume, but it could also</p> <p>4 happen off of the internet?</p> <p>5 A. Correct.</p> <p>6 Q. Yes?</p> <p>7 Mr. Bejar, I want to talk a little bit</p> <p>8 about your proposed -- what you referred to as the</p> <p>9 framework, which you're familiar with, I assume?</p> <p>10 A. Yes.</p> <p>11 Q. Because that's the term you used during</p> <p>12 the course of your testimony. And just to, very</p> <p>13 briefly, this is going to be the nutshell version of</p> <p>14 what you said.</p> <p>15 But as I understand the framework, the</p> <p>16 elements of the framework are giving a teen the</p> <p>17 ability to report an experience in terms of</p> <p>18 including how it made the person feel and intensity,</p> <p>19 right?</p> <p>20 A. Well --</p> <p>21 MR. CARTMELL: Object to the form.</p> <p>22 THE WITNESS: No, that's not --</p> <p>23 MR. CARTMELL: Mischaracterizes.</p> <p>24 THE WITNESS: That's not right.</p> <p>25 ///</p>	<p style="text-align: right;">Page 987</p> <p>1 A. It means that if a -- number one, a</p> <p>2 teenager tells you I'm experiencing an unwanted</p> <p>3 advance and it makes me really uncomfortable, it</p> <p>4 should take probably one or two of those for you to</p> <p>5 limit the people that the person is contacting or at</p> <p>6 least for you to further investigate and go find</p> <p>7 similar accounts.</p> <p>8 And so if you take an example of</p> <p>9 sextortion, the first moment that a teen realizes</p> <p>10 what is happening, they should be able to</p> <p>11 effectively say this person is fake, I believe</p> <p>12 sextortion is happening, and then have the messages</p> <p>13 where it happens.</p> <p>14 The fact that -- how important this is for</p> <p>15 them and you can use that information to then</p> <p>16 identify that account and potentially similar</p> <p>17 accounts that might be performing that activity. So</p> <p>18 that's what the prevent part does.</p> <p>19 Q. Okay. That was the second element of the</p> <p>20 framework?</p> <p>21 A. Yeah.</p> <p>22 Q. And third element of the framework, I'm</p> <p>23 going to take a stab at nutshelling it, is, in</p> <p>24 essence, giving feedback to the person who might</p> <p>25 have been the source of the offending conduct?</p>
<p style="text-align: right;">Page 986</p> <p>1 BY MS. JONES:</p> <p>2 Q. What is the first element, the nutshell</p> <p>3 version of the first element of the framework?</p> <p>4 A. The ability to -- effectively, right,</p> <p>5 which means that the teen's able to say what they're</p> <p>6 experiencing. That was what was missing in what you</p> <p>7 described.</p> <p>8 Q. Okay. The ability to effectively report</p> <p>9 what the teen is experiencing.</p> <p>10 A. Again, that's missing all of the elements</p> <p>11 that you said, right. I mean, I think the nutshell</p> <p>12 version is for report is effectively -- which means</p> <p>13 you're able to articulate the issue that they're</p> <p>14 experiencing in terms that work for them. You want</p> <p>15 to be able to do intensity. So you need to know,</p> <p>16 like, where it happened, what happened, and how bad</p> <p>17 it was. So yeah -- so where it happened, what</p> <p>18 happened, and how bad it was. And that's what I</p> <p>19 mean by effectively.</p> <p>20 Q. What's item number two, the nutshell</p> <p>21 version of the framework?</p> <p>22 A. Item number two is to use the information</p> <p>23 from number one to prevent other people from</p> <p>24 experiencing similar issues.</p> <p>25 Q. And what does that mean, concretely?</p>	<p style="text-align: right;">Page 988</p> <p>1 MR. CARTMELL: Object to form.</p> <p>2 Mischaracterizes.</p> <p>3 THE WITNESS: Yeah, that's not quite</p> <p>4 right.</p> <p>5 BY MS. JONES:</p> <p>6 Q. Okay. Give me the nutshell version.</p> <p>7 A. Feedback where appropriate to the person</p> <p>8 that initiated the contact or created the content.</p> <p>9 Q. Okay. And then, again, I'm going to take</p> <p>10 a stab at an abbreviated version of the fourth</p> <p>11 element that I think I've heard you testify to,</p> <p>12 which is measuring the effectiveness of your system.</p> <p>13 MR. CARTMELL: Same objections.</p> <p>14 THE WITNESS: Yeah, that's not correct.</p> <p>15 BY MS. JONES:</p> <p>16 Q. Okay.</p> <p>17 A. Accurate.</p> <p>18 Q. What is the nutshell version in your</p> <p>19 words?</p> <p>20 A. Ongoing measurement and monitoring of the</p> <p>21 effectiveness of these -- of the interventions.</p> <p>22 Q. Okay. You testified, I think it was on</p> <p>23 the first day, and if you need to see it we can pull</p> <p>24 up the transcript, that this framework was more</p> <p>25 likely than not to reduce harm.</p>

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<p style="text-align: right;">Page 989</p> <p>1 Do you recall that?</p> <p>2 A. Yes.</p> <p>3 Q. I do not recall you, in your testimony</p> <p>4 either Monday or Tuesday, showing the jury any data</p> <p>5 supporting the idea that your framework would reduce</p> <p>6 harm more than a different framework?</p> <p>7 MR. CARTMELL: Object to the form.</p> <p>8 BY MS. JONES:</p> <p>9 Q. Did you show the jury -- and, again, I'm</p> <p>10 just -- we can -- you can explain as much as you</p> <p>11 want to but I first just want to understand.</p> <p>12 Have you shown the jury any data in the</p> <p>13 course of the last two and a half days that confirms</p> <p>14 that your framework would actually reduce harm?</p> <p>15 MR. CARTMELL: Object to form.</p> <p>16 THE WITNESS: I believe I have. I think I</p> <p>17 talked about, for example, the -- how the -- how</p> <p>18 important it is for a teenager to say what</p> <p>19 experience they're -- what issue they're</p> <p>20 experiencing, which we built, what intensity it was,</p> <p>21 which we built, and then an intervention that was</p> <p>22 based on that information that provided them</p> <p>23 support.</p> <p>24 I believe I spoke about, which if I</p> <p>25 didn't, then I can do it now, that part of that</p>	<p style="text-align: right;">Page 991</p> <p>1 spreadsheet or some other kind of document that</p> <p>2 captures actual data that shows that the application</p> <p>3 of your framework would reduce harm more than what</p> <p>4 the company is already doing on Instagram?</p> <p>5 A. I provided the documentation to that</p> <p>6 effect. I believe in part of the documentation that</p> <p>7 I produced included the presentations that I had</p> <p>8 access to from compassion research days where we</p> <p>9 talked about these issues in detail with metrics,</p> <p>10 with both research on impact of talking to users,</p> <p>11 both the people who were the targets of the issues,</p> <p>12 and where appropriate the people who initiated the</p> <p>13 issues.</p> <p>14 So yeah, we -- and extensive results of</p> <p>15 what you can accomplish by creating these kinds of</p> <p>16 feedback loops.</p> <p>17 So I think if you make those presentations</p> <p>18 available and you look at them they have detailed</p> <p>19 metrics and data which were made public about the</p> <p>20 effectiveness of the framework.</p> <p>21 Q. Okay. Mr. Bejar, in the interest of time,</p> <p>22 I'm not going to keep asking the same question. I'm</p> <p>23 very hopeful that either Mr. Cartmell or Mr. Phelps</p> <p>24 will be able to show that data to the jury before we</p> <p>25 let you go, hopefully today.</p>
<p style="text-align: right;">Page 990</p> <p>1 framework included in that context, where</p> <p>2 appropriate, giving feedback to other teenagers or</p> <p>3 other people that had initiated the interaction and</p> <p>4 we measured that as well. And a lot of the data</p> <p>5 surrounding these issues was in presentations that</p> <p>6 were made public between 2011 or '12 and 2015.</p> <p>7 BY MS. JONES:</p> <p>8 Q. And my question, Mr. Bejar, was much more</p> <p>9 specific.</p> <p>10 In the course of your two and a half days</p> <p>11 of deposition testimony so far, have you shown the</p> <p>12 jury any specific data that confirms that the</p> <p>13 framework that you've laid out would be more</p> <p>14 effective at reducing harm than other tools that the</p> <p>15 company is using?</p> <p>16 MR. CARTMELL: Same objection.</p> <p>17 THE WITNESS: I believe I've answered that</p> <p>18 question in the context of the numbers and the</p> <p>19 statistics that I've quoted about the teen tools</p> <p>20 that were created during that period of time --</p> <p>21 BY MS. JONES:</p> <p>22 Q. Do you --</p> <p>23 A. -- for Facebook.</p> <p>24 Q. Excuse me.</p> <p>25 Do you have in your possession a</p>	<p style="text-align: right;">Page 992</p> <p>1 Let me talk to you --</p> <p>2 MR. CARTMELL: Hold on. Let me object and</p> <p>3 move to strike the statement of counsel.</p> <p>4 And make it clear on the record that that</p> <p>5 data that he just mentioned was produced to you. So</p> <p>6 you have it.</p> <p>7 MS. JONES: Well, we don't need to go back</p> <p>8 and forth about what we think was produced or not.</p> <p>9 Q. I do hope to be able to see the data</p> <p>10 before we finish your deposition, though.</p> <p>11 Let me ask you about the testing that you</p> <p>12 have described and shown videos from.</p> <p>13 And I want to actually just first --</p> <p>14 Can you pull up Deposition Exhibit</p> <p>15 Number 12, please.</p> <p>16 (Whereupon, Meta-Bejar Exhibit 12 having</p> <p>17 been previously marked, was introduced.)</p> <p>18 BY MS. JONES:</p> <p>19 Q. And this is a -- what you describe as a</p> <p>20 protocol related to testing that you have done since</p> <p>21 November of 2023; is that right?</p> <p>22 A. Correct.</p> <p>23 Q. And just so we're clear on the basic</p> <p>24 parameters here, you, an adult user of the platform,</p> <p>25 went onto Instagram and created a handful of</p>

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<p style="text-align: right;">Page 993</p> <p>1 accounts pretending to be a 13-year-old girl; is 2 that right? 3 A. No, I think that doesn't frame it 4 correctly. I think that me as a -- somebody with a 5 lifetime of experience of these issues who wishes to 6 speak accurately about the experience of younger -- 7 of a teen account and how well those features work 8 relative to Instagram's description of it went and 9 created a serious series of test accounts. 10 I will also say that I think it would be 11 so important for Instagram to have like a formalized 12 testing process that allows researchers unfettered 13 access from the perspective of these accounts so 14 that you could have independent verification beyond 15 what I was able to do or what other parties are 16 doing about how effective these measures that 17 Instagram has are at preventing harm for teenagers 18 or how effective they are at helping teenagers when 19 they experience harm. 20 Q. And these accounts you created were 21 accounts where you were pretending to be a 22 13-year-old girl? 23 A. Again, I think that's a -- 24 Q. Let me take -- if I remove the word 25 "pretending," maybe that's what you're getting hung</p>	<p style="text-align: right;">Page 995</p> <p>1 A. No. 2 Q. You were not hired by any other social 3 media company to do it? 4 A. No. 5 Q. You were not doing it as part of some kind 6 of research exercise being run through an academic 7 institution like a college or a university? 8 A. No. 9 Q. And did the lawyers ask you to do it? 10 A. No. 11 Q. You came up with this idea on your own? 12 MR. CARTMELL: Object to the form. 13 THE WITNESS: I thought about doing this 14 after reading some articles about how Instagram was 15 behaving and I thought I really wanted to get some 16 firsthand experience of what the articles were 17 conveying. 18 BY MS. JONES: 19 Q. What articles did you read? 20 A. The -- I think it was an article by Jeff 21 Horwitz of the Wall Street Journal that talked about 22 how frequently there were accounts of girls and how 23 they were followed by pedophiles and sort of that 24 whole network aspect of things, which was related to 25 my findings, although the -- the -- I think the</p>
<p style="text-align: right;">Page 994</p> <p>1 up on. 2 A. These were test accounts where the age was 3 13 and 14. There were some accounts that were girls 4 and there were some accounts that were boys. 5 Q. Well, let me come to that point. 6 How many accounts did you create of teen 7 girls and boys? 8 A. I think initially it was approximately 9 seven. 10 Q. And when you said -- you say initially it 11 was seven. Did that number change in some way? 12 A. No, because I kind of, like, stopped 13 looking at it -- at the boy accounts after my 14 initial testing. And these are the accounts that 15 I've looked at since, the ones that I listed. 16 Q. Okay. And those are the 13-year-old girl 17 accounts? 18 A. Correct. 19 Q. All right. And did anyone ask you to do 20 this? 21 A. No. 22 Q. You're not doing it as part of a law 23 enforcement effort? 24 A. No. 25 Q. You were not hired by Meta to do it?</p>	<p style="text-align: right;">Page 996</p> <p>1 challenge with it -- with the problem space is that 2 it's really important to separate out kind of 3 sexually provocative content or content that's sort 4 of exploitative from CSAM which is a definition 5 that's much more -- necessarily now. 6 Q. And you understand that there are billions 7 of users on Instagram? 8 A. Yes. 9 Q. You created only seven accounts; is that 10 right? 11 A. I believe so. 12 Q. And of the seven accounts, you eventually 13 stopped tracking the boy accounts? 14 A. Correct. 15 Q. Why did you stop tracking the boy 16 accounts? 17 A. The reason was, and sort of the gaps in my 18 testing, was that I found the testing very 19 distressing because -- I mean, in my lifetime of 20 doing security work, one of the things I regularly 21 did would be this exercise. Like, I did that at 22 Yahoo!. I created a team who did that at Yahoo!. I 23 did this at Facebook. 24 I automated a lot of this work at Facebook 25 and so part of my process in looking at these issues</p>

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<p style="text-align: right;">Page 997</p> <p>1 was doing that. And full transparency, I was not 2 prepared emotionally for what I found and what I 3 saw. 4 Q. Yeah, I'm sorry, Mr. Bejar, I'm not sure I 5 understood the answer to my question. 6 Why did you stop tracking the boy 7 accounts? 8 MR. CARTMELL: Objection. Asked and 9 answered. 10 THE WITNESS: I believe I've already 11 answered it. 12 I paused my testing because I found 13 emotionally -- I found it emotionally distressing, 14 and then eventually when I picked up my testing 15 again, I focused on the girl accounts because I had 16 all of them set up in a single phone and that made 17 the testing easier. 18 BY MS. JONES: 19 Q. Okay. So let me just make -- I just want 20 to make sure I understand and, more importantly, 21 that the jury understands the sequence. 22 You started by creating seven accounts of 23 teen girls and boys in 2023; is that right? 24 A. Correct. 25 Q. And you did that on your own, no one asked</p>	<p style="text-align: right;">Page 999</p> <p>1 Q. How far apart or how much time passed 2 between when you stopped your testing because you 3 found the results distressing and when you picked it 4 back up recently? 5 A. I would say around a year with what I said 6 that there were times where I did revisit it during 7 that year. And, again, the experience was very 8 distressing so then I would stop. 9 Q. Okay. Let me ask you to look at 10 Deposition Exhibit Number 12. You have that in 11 front of you, yes? 12 A. I do. 13 Q. And this is the protocol for what you've 14 just described? 15 A. Correct. 16 Q. When did you create the protocol? 17 A. I wrote this document recently by 18 gathering sort of the -- the -- my notes on the work 19 that I had done. And just validating my 20 recollection with file date creations and looking at 21 all of the sort of original -- so what I would do is 22 I would do the screen recordings raw, I would create 23 a backup of them, and then for clarity I would label 24 the recordings and -- in order to make sure that 25 this was accurate to the best of my ability. I</p>
<p style="text-align: right;">Page 998</p> <p>1 to you do it; is that right? 2 A. Correct. 3 Q. And how many boys and how many girls did 4 you start with? 5 A. I believe it was four girls and three 6 boys. But, again, I don't recall in detail right 7 now. 8 Q. Okay. And then it sounds like at some 9 point the results of the testing were distressing to 10 you and so you stopped focusing on the testing? 11 A. Correct. 12 Q. And then how far into the testing were you 13 when you stopped it at that point? 14 A. I think that my first round of testing was 15 dedicated at understanding the kind of content that 16 was being recommended by Reels under different 17 testing circumstances. 18 And then I -- the one piece of testing I 19 revisited regularly was searching for the words "I 20 want to hurt myself" to see how the product behaved 21 in this context. 22 And then when I picked up my testing again 23 around a month ago my goal was to test Teen Accounts 24 and to add a parent account and then to see how the 25 different safety features behaved.</p>	<p style="text-align: right;">Page 1000</p> <p>1 revisited each aspect of that. 2 Q. And when you say you wrote the protocol at 3 Deposition Exhibit Number 12 recently, was it in 4 2025? 5 A. Correct. 6 Q. Okay. 7 A. Well, I wrote this document in 2025. The 8 protocol that I used for testing was done in 2023 9 when I began the testing. 10 Q. Is there a separate written protocol that 11 you created in 2023? 12 A. I did not. 13 Q. Okay. So the protocol that you created 14 got created after you had done, it sounds like, a 15 lot of the work; is that right? 16 A. No, that's not right. Because in order 17 for the work to be reliable, I had to have out of 18 the gate a set of protocols that I followed 19 consistently. 20 So, again, I created the very first 21 account, which is covered here. And that was 22 different because I was just kind of getting my 23 bearings. And then being staggered by my initial 24 findings, I went, like, no, what I need to do is I 25 need to create other accounts and then have --</p>

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<p style="text-align: right;">Page 1001</p> <p>1 document from the account creation into Reels and 2 have the only thing that that account does do, Reel 3 video watching. And I did that on three other 4 accounts. 5 And then the other thing that was a 6 consideration was that if you used the account 7 approximately once a day for around two weeks, which 8 I did for these three accounts, you start getting 9 ads recommended for those accounts. Because I 10 wanted to see what kind of ads were adjacent to what 11 kind of content. 12 Q. Just I want to be very clear, Mr. Bejar. 13 There is not a written protocol that you 14 put together before you started this, right? 15 A. That is correct, as I have been doing all 16 my life. 17 Q. Okay. And you know that it is routinely 18 the case that when actual scientific experiences -- 19 experiments are run, you start with a written 20 protocol so that you have a guide for how you should 21 carry out the work? 22 MR. CARTMELL: Object to the form. 23 BY MS. JONES: 24 Q. Are you familiar with that as a matter of 25 process?</p>	<p style="text-align: right;">Page 1003</p> <p>1 an ongoing process to do this at scale. 2 So that, for example, I believe -- and I 3 don't know and was never aware of this at Instagram, 4 whether there was an effort to do this kind of 5 testing in the product. I don't know if anybody at 6 Instagram has done this kind of testing within the 7 product and seen what kind of content was getting 8 recommended to a teen account with sensitive 9 controls on. 10 And so -- so I think this is intended to 11 be sort of a -- an early indication that it's 12 accurate for what it is and indicates the ease at 13 which this kind of content can be found. 14 And I believe that there ought to be 15 independent, thorough, ongoing testing of all of 16 these services and all of these safety features to 17 be done with the support of the companies because 18 it's hard to do this testing sometimes. 19 MS. JONES: I'm going to move to strike 20 all of that as nonresponsive. 21 Q. Mr. Bejar, if I wanted to look at a 22 document and say this is what Mr. Bejar planned to 23 do and then test it against what you actually did, 24 that document does not exist from 2023; is that 25 right?</p>
<p style="text-align: right;">Page 1002</p> <p>1 MR. CARTMELL: Same objection. 2 BY MS. JONES: 3 Q. I can ask the question again. 4 A. Thank you. 5 Q. Are you familiar with the fact that it is 6 routinely the case when you run an actual scientific 7 experiment that you actually start with putting 8 together and writing down a written protocol? 9 MR. CARTMELL: Same objections. 10 THE WITNESS: I mean, if what you are 11 saying, right, is I'm testing a vaccine or I'm 12 dealing with issues, then there's methodologies and 13 procedures related to that. 14 Again, from having been doing this in the 15 industry for the longest time, what I did here was 16 similar to what I would do at Yahoo! and had team -- 17 managed teams I did at Yahoo! as to sort of -- in 18 order to assess and understand the content. 19 But also the other aspect of this, right, 20 is that the -- sort of the importance of the -- of 21 the nature of the contents that was getting 22 recommended given what I was doing. And I believe 23 that there should be, right -- and this is a process 24 where you start with something like this and then 25 you hand that to other people in order to establish</p>	<p style="text-align: right;">Page 1004</p> <p>1 A. That document does not exist from 2023. 2 Q. Okay. And the protocol that you generated 3 recently, in 2025, does not include certain steps 4 that you took in terms of how you went about your 5 testing, right? 6 A. So that's not accurate. So the 7 documentation that I created in 2025 that captured 8 the protocol that I did in 2023 is also backed up by 9 a video that shows from start to finish from 10 account -- from the moment the account was created 11 for one of the accounts to the Reels getting 12 recommended, the actions that they took. So I 13 consider that to be a very reliable indication of 14 what I did. 15 Q. Well, let me ask you a very specific 16 question. 17 On Deposition Exhibit Number 12, which 18 you've described as your protocol -- 19 A. Uh-huh. 20 Q. -- there is no discussion of the fact that 21 you started with seven accounts, including boys, 22 right? 23 A. I was not comfortable with my 24 recordkeeping in the boys to include them in this 25 document and that's why I kind of focused on the</p>

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<p style="text-align: right;">Page 1005</p> <p>1 girl accounts. 2 Q. Fair enough. 3 But in this document, if I was trying to 4 understand what you had actually done, if I looked 5 at this document, I would not know that you started 6 with seven accounts and then decided to drop three 7 of them, right, if I was just relying on your 8 protocol? 9 A. That is correct. 10 Q. Okay. And I also wouldn't know from 11 looking at your document here at Deposition Exhibit 12 Number 12 that you start your testing in November of 13 2023 and then you stopped testing because you were 14 distressed by what you were seeing. 15 Is that reflected in Deposition Exhibit 16 Number 12? 17 A. I did not put that in this document, I 18 believe. 19 Q. Do you know or could you point me to 20 another example of an experimental setting where the 21 folks running the experiment are able to pause the 22 experiment because they are concerned or troubled by 23 the initial results of the experiment? 24 MR. CARTMELL: Object to the form. 25 ///</p>	<p style="text-align: right;">Page 1007</p> <p>1 A. Yeah, I don't recall right now what the 2 acronym stands for. 3 Q. And who did you specifically talk to about 4 running an experimental test where the testing was 5 stopped because the people involved in it were 6 distressed by what the results yielded? 7 A. The person who managed the testing team. 8 His first name is Callum. I don't remember his last 9 name right now. This was a conversation that I had 10 I think around a year ago. 11 Q. Okay. So in 2024? 12 A. Correct. 13 Q. Any other examples you can point me to of 14 experimental testing situations where the 15 researchers paused the testing because the 16 preliminary results were distressing to them? 17 MR. CARTMELL: Object to form. 18 THE WITNESS: I believe -- and I'm trying 19 to remember -- that this is also a topic that I 20 discussed with [REDACTED], the PM in charge of 21 child endangerment and grooming and those issues. 22 And I believe also the people who do that kind of 23 research can find it very distressing and need 24 similar support structure. 25 ///</p>
<p style="text-align: right;">Page 1006</p> <p>1 BY MS. JONES: 2 Q. Can you give me another example of that? 3 MR. CARTMELL: Same objection. 4 THE WITNESS: Actually, yes, I have had 5 conversations with CCDH around testing and in that 6 context, they -- we discussed with the head of 7 research, I think his name is Callum something or 8 other, at the time that they tried to do some things 9 and that the people doing the testing found them 10 emotionally distressing and as a result of that, 11 they decided to pause the testing and find emotional 12 support for the people who were doing the testing. 13 BY MS. JONES: 14 Q. And -- 15 A. In a way, that's kind of similar to the 16 kind of emotional support that people who do content 17 review need when they're reviewing sort of 18 distressing content. 19 Q. And just so the jury understands, CCDH is 20 what? 21 A. It is an independent organization that 22 does studies of harm as it plays out in different 23 platforms. 24 Q. And who -- I'm sorry, I didn't mean to 25 interrupt.</p>	<p style="text-align: right;">Page 1008</p> <p>1 BY MS. JONES: 2 Q. How did you -- when did you have that 3 conversation? 4 A. I think it was during my first stint. 5 Q. From somewhere between 2019 and 2015? 6 A. Yes. 7 Q. Okay. And just in terms of how you went 8 about what you did here, did you rely on -- let me 9 start with an example -- any kind of textbook that 10 says this is how you run a test like this? 11 A. There is no textbook about how you test 12 Reels. I think the timeline of textbook development 13 would prohibit that. 14 Q. Okay. What about anything in the 15 peer-reviewed literature? Did you rely on anything, 16 an article or something from a journal on this is 17 how you go about doing this? 18 A. No, I relied on having been doing this. 19 Again, this was part of my 20 responsibilities at Yahoo! And generally, I mean, I 21 think the testing of the product is always par for 22 the course for when you're responsible for one. 23 Q. Did you rely on any kind of guidance from 24 any kind of professional organization like a law 25 enforcement organization or anybody else?</p>

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<p style="text-align: right;">Page 1009</p> <p>1 A. I did not, but I did discuss testing that 2 I had done with Callum again. So I discussed my 3 methodology. I was helping them inform their own 4 methodology for testing. And also they shared some 5 of their own findings and issues. So I was kind of 6 helping them with that. 7 And I believe I also shared some of my 8 testing and testing protocol with Laura Edelson. 9 Q. And I apologize. Who is Laura Edelson? 10 A. She's an academic who studies these kinds 11 of issues. 12 Q. When you say you shared your testing 13 protocol, do you mean you shared Deposition Exhibit 14 Number 12 with Laura Edelson? 15 A. No, because this was, again, a document 16 was written. But when I say the "testing protocol," 17 I'm talking about the testing protocol that I 18 defined in 2023. 19 Q. Okay. And other than the discussions that 20 you've described and your own experience, is there 21 any authoritative source out there in the world that 22 you could point me to and say this is what I drew 23 upon to figure out how to do what I did here? 24 MR. CARTMELL: Object to form. 25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 1011</p> <p>1 A. Yes. 2 Q. Now, the things that you did in terms of 3 the steps that you went through did not require 4 special experience or training or expertise, did it? 5 A. I believe other people could reproduce 6 this easily. 7 (Whereupon, a brief discussion off the 8 record.) 9 BY MS. JONES: 10 Q. Okay. And for example, it didn't require 11 any special equipment of any kind? 12 A. It did not. 13 Q. You just needed an iPhone, right? 14 A. Correct. 15 Q. And if you're fortunate enough to have the 16 resources you can go out and by an iPhone, right? 17 A. Or in this case, there was an old iPhone 18 from a drawer, as a parent I think would give their 19 kids. 20 Q. And did you -- and I apologize if I 21 misheard this. 22 Did you also say that you had used an iPad 23 as part of this? 24 A. I did, yes. 25 Q. And -- and same question, an iPad is</p>
<p style="text-align: right;">Page 1010</p> <p>1 BY MS. JONES: 2 Q. And other than the lawyers in these cases, 3 has anybody else seen Deposition Exhibit Number 12? 4 A. I would need to check my e-mail records. 5 Q. Do you have any recollection of sharing it 6 with anyone other than lawyers who might have been 7 involved in these cases? 8 A. I don't have any recollection right now. 9 (Whereupon, a brief discussion off the 10 record.) 11 THE VIDEOGRAPHER: Time is 2:56. We're 12 off the record. 13 (Whereupon, a brief recess was taken.) 14 THE VIDEOGRAPHER: Time is 3:20. We're 15 back on the record. 16 BY MS. JONES: 17 Q. And, Mr. Bejar, when we took our break we 18 were talking about Deposition Exhibit Number 12, 19 which is what you created this year in documenting 20 the testing that you've described during your 21 deposition, right? 22 A. Right. 23 Q. And I think you testified when you talked 24 about the -- this exercise that you went through 25 that you drew on 30-plus years of experience?</p>	<p style="text-align: right;">Page 1012</p> <p>1 accessible to someone who can go to the Apple store 2 and buy one, right? 3 A. Yes, buy one and then returning it shortly 4 after. 5 Q. Okay. When you say you ended up 6 "returning it shortly after," why? 7 A. Because I didn't want to own that iPad. I 8 just needed a separate device so I could test the 9 experience across different devices from erasure and 10 I only had access to one iPhone and so then once I 11 created the account, I could potentially use a 12 different device to log into that account. 13 Q. And I'm not sure I'm fully understanding, 14 Mr. Bejar, so please forgive me. 15 When you say you returned the iPad shortly 16 after, returned it to where? 17 A. The Apple store, within, like, a week or 18 two. 19 Q. Okay. And the reason for that was what 20 exactly? 21 A. I needed a device that I could fully wipe 22 and install Instagram in and do sort of the steps 23 that I described. I only had one old iPhone at 24 home. And so I bought -- went and bought a device, 25 did the testing, recorded the videos, recorded the</p>

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<p style="text-align: right;">Page 1013</p> <p>1 information to access the account. And then I 2 returned the iPad as a matter of sort of, like, I 3 wasn't going to need that iPad moving forward. 4 Q. You returned the iPad after you had used 5 it you mean? 6 A. Correct. 7 Q. Okay. And there's nothing in Deposition 8 Exhibit Number 12, this write-up that you did 9 earlier this year, that talks about how you made use 10 of an iPad, right? 11 A. There is not. 12 Q. Okay. You used, according to Deposition 13 Exhibit Number 12, an iCloud account, right? 14 A. Correct. 15 Q. And setting up an iCloud account doesn't 16 require special expertise or training, does it? 17 A. It does not. 18 Q. And creating an Instagram account and 19 signing up as a teenage girl doesn't require special 20 expertise or training, does it? 21 A. Does not. 22 Q. Creating an Instagram account and signing 23 up as a teenage boy doesn't require specialized 24 expertise or training, does it? 25 A. It does not.</p>	<p style="text-align: right;">Page 1015</p> <p>1 But then in order to ease my testing in 2 terms of how much time it took to switch between 3 them, I then erased the phone, logged into one of 4 the accounts, and then added the other accounts 5 using Instagram. 6 Q. And you made the videos with screen 7 recording that is available on iPhone; is that 8 right? 9 A. As part of iOS. 10 Q. Okay. And that, again, does not require 11 special expertise or training, does it? 12 A. Correct. 13 Q. And some of what you've described in terms 14 of what you did did not make its way into this 15 document that you created in 2025, right? 16 A. I'm sorry, what was the question? 17 Q. Some of the things that you described in 18 terms of what you did as part of this process, did 19 not make its way into this document that you created 20 in 2025, right? 21 A. That is correct. 22 Q. And I think we talked about some of these 23 examples. 24 But for example, it doesn't talk about the 25 fact that you started with seven accounts, including</p>
<p style="text-align: right;">Page 1014</p> <p>1 Q. And I think you testified, and I may not 2 be recalling this specific adjective that you used, 3 but that you watched racy or -- racy videos; is that 4 right? "Sexualized" was the term you used in your 5 document. 6 A. I'm sorry. What's the question? 7 Q. The question was a little bit of a mess. 8 I apologize. 9 You watched what you described as 10 sexualized or violent videos, right? 11 A. So that only describes part of it. Swiped 12 quickly through a video that didn't meet a specific 13 criteria and then I watched a video that met the 14 criteria for what I was testing. 15 Q. Okay. And just to go back for one second. 16 You said earlier, "Once I created the 17 account, I could potentially use a different device 18 to log into that account." 19 What did you mean by that? 20 A. I mean that I saved the account names and 21 passwords to access those accounts. And so for each 22 of these accounts, I followed the -- well, with the 23 teen girls, I followed what I described, which is 24 erase, create new iCloud account, download 25 Instagram, create account associated with that.</p>	<p style="text-align: right;">Page 1016</p> <p>1 certain -- some boy accounts, right? 2 A. That is correct. 3 Q. And it doesn't talk about the fact that 4 you paused your testing because you were distressed 5 by the original results that you were getting back, 6 right? 7 A. That is correct. 8 Q. And it doesn't say that you ultimately 9 decided to stop following the boy accounts because 10 it was easier to track the girl accounts who were 11 all on one phone, right? 12 MR. CARTMELL: Object to form. 13 THE WITNESS: Sorry, could you repeat the 14 question? 15 BY MS. JONES: 16 Q. Sure. 17 This document, Exhibit Number 12, that you 18 created earlier this year, it does not say that you 19 ultimately decided to stop following the boy 20 accounts because after you restarted your review, it 21 was easier to track the girl accounts who were all 22 on one phone? 23 MR. CARTMELL: Object to form. And 24 mischaracterizes. 25 THE WITNESS: Yeah, I mean, I -- that the</p>

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<p style="text-align: right;">Page 1017</p> <p>1 boy accounts are I believe still there, I haven't 2 tested that, and I focused on these accounts that 3 were on -- all on the phone I was talking about. 4 BY MS. JONES: 5 Q. And when you say they were all on the same 6 phone, were they linked accounts? 7 A. Yes, so what I did is, at Instagram you 8 can add other accounts, and so I -- I took the -- 9 one of the accounts, I logged into the phone, and 10 then I went and I put in the username/password for 11 the other accounts which had been created 12 independently, and so in the context of what's 13 covered here, the initial set of videos were all 14 done before any linking happened. And then later 15 on, I linked the accounts into the phone for ease of 16 testing. 17 And I kind of paused the Reels testing, 18 tested the suicide queries somewhat frequently, and 19 then picked up testing on particular -- there was a 20 different kind of testing thing, which was looking 21 at the safety features. 22 Q. When in the process did you link the four 23 girl accounts? 24 A. I don't recall the date. 25 Q. Do you know whether it was 2023 or 2024?</p>	<p style="text-align: right;">Page 1019</p> <p>1 understand. 2 If on a particular day you wanted to check 3 two of the four girl accounts before they were 4 linked -- do you have that in your mind, those 5 circumstances? 6 A. Yes. 7 Q. -- and you logged into one of those girl 8 accounts and you did whatever you were going to do 9 in terms of looking at it and then you decided, I 10 want to look at the next girl account that I have 11 set up, how did you get from that first account to 12 the second one? 13 A. I would erase the phone, redownload 14 Instagram, and log into the other account. 15 Q. Okay. Thank you. 16 A. I have a very intimate understanding of 17 how, both for Facebook and for Instagram, you know 18 when the accounts are coming from the same device. 19 Q. Were your testing sessions planned in 20 advance? 21 A. Yes. 22 Q. Is that documented anywhere? 23 A. No. 24 Q. Do you have any notes at all related to 25 the testing that you did on the different accounts</p>
<p style="text-align: right;">Page 1018</p> <p>1 A. I don't recall the date. 2 Q. And forgive me if I asked you this 3 already. 4 Do you remember when it was that you 5 stopped tracking the boy accounts? 6 A. I don't recall the specific date. 7 Q. And before you linked the four girl 8 accounts, were all the accounts on this -- you were 9 going to all of them on the same phone? 10 A. Yes. As I described here, each time I 11 would reset the phone, erase all settings, get into 12 the -- create a fresh iCloud account, download 13 Instagram. So there's a series of steps that I 14 followed. 15 Q. Was there a period of time where you had 16 all four of the girl accounts set up and you were 17 visiting them when they weren't linked? 18 A. So for more of my initial testing, when I 19 would test the accounts, I would do the erasing 20 phone procedure. At some point, I linked the 21 accounts, at which point I was able to move between 22 them. It took less time. The phone reset took 23 time. 24 Q. And so let me just ask that more kind of 25 granular question because I just want to make sure I</p>	<p style="text-align: right;">Page 1020</p> <p>1 starting in November 2023 up until recently? 2 A. I bookmarked the audio trends that were 3 used for minors to talk about their ages. And I 4 bookmarked the audio trends that were used by minors 5 that were posting sexualized content. So I kept a 6 track of those links. And then the other thing that 7 I used as my record of the testing was the videos 8 themselves which I did not edit. 9 Q. So other than the bookmarked audio trends 10 and the videos, there are no other notes that you 11 maintained contemporaneously with the review that 12 you were doing? 13 A. Not that I recall. 14 Q. And if I wanted to know every date on 15 which you did review for any of the seven accounts 16 that you started with, is that written down 17 anywhere? 18 A. My record of dates that I rely on is the 19 dates that the videos were recorded. If I did 20 testing and I did not record that video -- record a 21 video -- I think actually no, I think pretty much 22 every -- every time I tested I recorded videos, yes. 23 Q. Do you know that for certain that every 24 single time you did a test you recorded videos? 25 A. To be very precise about that, I believe</p>

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<p style="text-align: right;">Page 1021</p> <p>1 that every time that I had a testing session, I</p> <p>2 would record part of the testing session. I didn't</p> <p>3 record the entirety of the testing session because</p> <p>4 what I was looking to do was to try and capture</p> <p>5 sequences of things.</p> <p>6 Q. And did you maintain videos of the boy</p> <p>7 accounts that you were tracking?</p> <p>8 A. I kept some, yes.</p> <p>9 Q. Did you keep all of them?</p> <p>10 A. Yeah, I did not remove any videos. I</p> <p>11 downloaded all the videos to a separate device. I</p> <p>12 kept all of the original file names in a separate</p> <p>13 device and then I went and made copies of that to</p> <p>14 change the file names in order to capture what</p> <p>15 the --</p> <p>16 (Whereupon, a brief discussion off the</p> <p>17 record.)</p> <p>18 THE WITNESS: What the videos were</p> <p>19 depicting.</p> <p>20 BY MS. JONES:</p> <p>21 Q. And was all of your testing always done on</p> <p>22 an iPhone 11?</p> <p>23 A. Yes.</p> <p>24 Q. If I -- beyond what you did in terms of</p> <p>25 saving the videos, is there any other documentation</p>	<p style="text-align: right;">Page 1023</p> <p>1 think I have also shared them with some reporters.</p> <p>2 But other than that, I don't recall.</p> <p>3 Q. When did you share videos with Laura</p> <p>4 Edelson?</p> <p>5 A. I don't recall.</p> <p>6 Q. Was it 2025?</p> <p>7 A. No.</p> <p>8 Q. Was it 2024?</p> <p>9 A. I don't recall but maybe.</p> <p>10 Q. And some of the sessions that you recorded</p> <p>11 were done in 2025; is that right?</p> <p>12 A. Yes. So I did, again, this sort of</p> <p>13 renewed round of testing that was focused on the</p> <p>14 safety features.</p> <p>15 Q. You said you shared some of the videos</p> <p>16 with reporters, yes?</p> <p>17 A. Of the initial -- so when I first did</p> <p>18 the -- the sort of the -- the links to the trends</p> <p>19 that I spoke about and some of the initial things I</p> <p>20 noticed in the videos, I did around -- go ahead.</p> <p>21 Q. I'm sorry, I didn't mean to interrupt you.</p> <p>22 I apologize.</p> <p>23 A. No, that's okay.</p> <p>24 Q. I was just going to ask what reporters did</p> <p>25 you share the videos with?</p>
<p style="text-align: right;">Page 1022</p> <p>1 of the dates on which you did your review?</p> <p>2 A. Not that I recall.</p> <p>3 Q. And did anyone else participate in the</p> <p>4 review process?</p> <p>5 A. What do you mean by "review process"?</p> <p>6 Q. Well, your -- it's a good question.</p> <p>7 You have described testing sessions?</p> <p>8 A. Correct.</p> <p>9 Q. Right? What do you mean by "testing</p> <p>10 session"?</p> <p>11 A. I meant that I sat down and took the</p> <p>12 phone -- I described a lot of this already. I would</p> <p>13 go into Instagram in the account, and then I would</p> <p>14 go into Reels and then swipe. And after I captured</p> <p>15 the initial videos, I also did some basic following</p> <p>16 to see how that impacted the recommendations.</p> <p>17 Q. Was anyone else present for any of those</p> <p>18 sessions?</p> <p>19 A. No.</p> <p>20 Q. And in terms of the videos that you</p> <p>21 recorded, have you shared those with anyone other</p> <p>22 than lawyers?</p> <p>23 A. I believe so, yes.</p> <p>24 Q. Who?</p> <p>25 A. I think I had mentioned Laura Edelson. I</p>	<p style="text-align: right;">Page 1024</p> <p>1 A. I don't recall.</p> <p>2 Q. Did you share with Jeff Horwitz?</p> <p>3 A. I don't recall.</p> <p>4 Q. When did you do the sharing?</p> <p>5 A. I think it was within sort of, like, Q1 of</p> <p>6 2024, approximately, but I don't recall</p> <p>7 specifically.</p> <p>8 Q. And the -- the accounts that you set up,</p> <p>9 did you, with those accounts, follow other accounts?</p> <p>10 A. Sometimes I did.</p> <p>11 Q. Okay.</p> <p>12 A. Only public accounts, though. That was</p> <p>13 very important.</p> <p>14 Q. Excuse me. I apologize.</p> <p>15 Did you record the accounts that you</p> <p>16 followed with the test accounts?</p> <p>17 A. Yes.</p> <p>18 Q. On every occasion where you did that?</p> <p>19 A. I did not have a record of that over time</p> <p>20 other than when I captured it in a video.</p> <p>21 Q. Okay. In Deposition Exhibit Number 12,</p> <p>22 you -- I'm looking specifically at the first</p> <p>23 paragraph under that heading for ClaraAda10, 13, and</p> <p>24 68.</p> <p>25 Do you see that?</p>

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<p style="text-align: right;">Page 1025</p> <p>1 A. Sorry.</p> <p>2 Q. It starts -- I apologize.</p> <p>3 A. Which page?</p> <p>4 Q. First page.</p> <p>5 A. Okay.</p> <p>6 Q. In the paragraph starts with, "Initial</p> <p>7 Instagram testing."</p> <p>8 A. Yeah.</p> <p>9 Q. You said the "Initial Instagram testing</p> <p>10 protocol was to create the account, all default</p> <p>11 settings, navigate to Reels, and while navigating</p> <p>12 Reels stop and watch videos that met a certain</p> <p>13 criteria." Right?</p> <p>14 A. Correct.</p> <p>15 Q. Are those criteria written down anywhere?</p> <p>16 A. I think I've described them, which was</p> <p>17 sexualized or violent videos. As I wrote here.</p> <p>18 Q. Okay. And is the -- the description --</p> <p>19 did you have a way of determining how you defined</p> <p>20 sexualized content?</p> <p>21 A. You can see the criteria that I used when</p> <p>22 you look at the videos where I captured that. In</p> <p>23 particular, the videos that go from account creation</p> <p>24 through to getting recommended that kind of content.</p> <p>25 Q. Do you have written down anywhere where</p>	<p style="text-align: right;">Page 1027</p> <p>1 with a piece of content.</p> <p>2 Q. And you said "not initially." At some</p> <p>3 point did you use search terms?</p> <p>4 A. At some point I wanted to test, for</p> <p>5 example, looking for SSI content. And so at which</p> <p>6 point I started testing, as I've documented, the</p> <p>7 words "I want to hurt myself." And that's one</p> <p>8 search query that I have been doing consistently</p> <p>9 since my initial testing in 2024.</p> <p>10 Q. And was that the only search query that</p> <p>11 you used, "I want to hurt myself"?</p> <p>12 A. No, it was important to test variations of</p> <p>13 search queries in order to establish the</p> <p>14 effectiveness of hiding results and certain</p> <p>15 circumstances. I had seen safety features claiming</p> <p>16 that certain kind of content wouldn't be recommended</p> <p>17 and so I tested that.</p> <p>18 Q. Do you have written down somewhere all of</p> <p>19 the search terms that you used as part of the</p> <p>20 sessions that you conducted?</p> <p>21 A. I believe that any meaningful searching</p> <p>22 that I did there's a video that -- where you can see</p> <p>23 me typing and you can see how the search engine is</p> <p>24 behaving. I did not do that -- I did not capture</p> <p>25 those videos as consistently later on when I found</p>
<p style="text-align: right;">Page 1026</p> <p>1 you kind of said in terms of looking for sexualized</p> <p>2 content, I am looking for these particular elements</p> <p>3 in the video?</p> <p>4 A. I did not.</p> <p>5 Q. What about for what you described here as</p> <p>6 videos that are violent?</p> <p>7 Do you see that?</p> <p>8 A. Yes. What's the question?</p> <p>9 Q. My question is, do you -- what were the</p> <p>10 criteria that you used to determine whether a video</p> <p>11 was violent?</p> <p>12 A. Oh, it was, for example, somebody getting</p> <p>13 hit by a car, falling off a building, apparently</p> <p>14 breaking things. Things that were shocking to see.</p> <p>15 Q. And do you have written down anywhere the</p> <p>16 specific elements in a video that you looked for to</p> <p>17 determine whether something was violent?</p> <p>18 A. No, I don't have that beyond what's</p> <p>19 written in this document and what's documented in</p> <p>20 the videos.</p> <p>21 Q. Did you use any search terms?</p> <p>22 A. Not initially. So, again, if you look at</p> <p>23 the videos over time, other than what I've</p> <p>24 documented here, I did not use any search terms. It</p> <p>25 was exclusively Reels and time of -- and time spent</p>	<p style="text-align: right;">Page 1028</p> <p>1 that just searching for "I want to hurt myself"</p> <p>2 consistently returned the same results for a teen</p> <p>3 account for a very long period of time.</p> <p>4 Q. You said "I did not capture those videos</p> <p>5 as consistently later on." Is that right?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. So are there -- are there -- are</p> <p>8 there elements of some of your sessions that were</p> <p>9 focused on SSI content that may not have been</p> <p>10 captured in a video?</p> <p>11 A. That is correct.</p> <p>12 Q. Did you send messages from the mock</p> <p>13 accounts that you set up?</p> <p>14 A. No, until my testing in, like, a month</p> <p>15 ago, and then all the messages were done between</p> <p>16 mock test accounts. Any comments that I tested were</p> <p>17 only done between test accounts.</p> <p>18 The one exception to that, which was</p> <p>19 fairly recent, is when I found that -- that an adult</p> <p>20 was able to message a minor, that they didn't follow</p> <p>21 them back through Stories, I went back and retested</p> <p>22 that on Sunday just to make sure if it was still the</p> <p>23 case. I had imagined that the moment that the</p> <p>24 videos were produced, that hopefully engineers would</p> <p>25 have hopped on it and fixed it, as I would have done</p>

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<p style="text-align: right;">Page 1029</p> <p>1 in a similar circumstance. And it was good to see 2 that that did no longer work. 3 Then I went into Reels -- because there's 4 message buttons everywhere so part of the testing is 5 sort of in which context message buttons were. And 6 so the one instance that I had not done that is, 7 which I've documented and I have a video, complete 8 session, of going into Reels, picking out an account 9 at random of a Reel, seeing a message board on 10 there, and being extremely surprised at sending a 11 message and that initiating a conversation. 12 Because what I found in testing the fix of 13 the story to minor accounts issue is that you could 14 still type in the message and send it but then they 15 had added on the messaging screen a little piece of 16 text that said your messages are not getting 17 delivered because this account doesn't follow you 18 back. And so you were able to initiate that and you 19 saw it in the product. 20 And so I was wondering if I initiated the 21 conversation, if I would get a similar warning 22 saying you don't follow each other so the message 23 wasn't delivered. And I was very surprised that the 24 message went through. And I tested it one more time 25 and I was very surprised to see the message go</p>	<p style="text-align: right;">Page 1031</p> <p>1 reporting the content. 2 When I retested on Sunday, those messages 3 did no longer go through, so it appears to me, that 4 from the moment I -- the videos were initially 5 submitted to at least when I retested on Sunday that 6 some of the issues that the videos had identified 7 had been fixed in their most sort of plain scenario. 8 On Sunday I tested other similar statements and they 9 were able to get through. 10 Q. You testified with respect to some of the 11 videos that you showed, I think Exhibit 16 in 12 particular, that it showed the first six minutes of 13 a 13-year-old's experience on Instagram. 14 Am I recalling that correctly? 15 A. That is correct. 16 Q. And just in looking at the video of you 17 scrolling through the Reels, was it the case that 18 you stopped and looked at things that were, under 19 your definition, racy? 20 A. Correct. 21 Q. I also noticed when looking -- when you 22 were showing us the show, that you flipped pretty 23 quickly through videos that didn't appear at first 24 blush to be racy; is that right? 25 A. That is correct.</p>
<p style="text-align: right;">Page 1030</p> <p>1 through. 2 That was the only instance in which one of 3 the mock accounts contacted an account that was not 4 a mock contact. 5 Q. Are there any messages that you sent from 6 any of the mock accounts, are those written down 7 somewhere? 8 A. All of those are video-recorded, and 9 they're all in sort of my video transcripts of -- on 10 my videos for all of those sessions. 11 Q. And how did you decide what messages you 12 were going to send? 13 A. I looked at what the safety tools were 14 claiming that they protected. And so there were 15 things like, oh, we blocked bullying or harassment. 16 And so -- for example, in comments in a post. And 17 so then I created between mock accounts that were 18 private this post and then I tested in different 19 combinations from the parent account or the minor 20 account. Which I recorded videos of all of these 21 things. 22 If you posted, and I think I've covered 23 this, in Spanish and in English, "you are a whore, 24 you should kill yourself," and see if that generated 25 the warnings. It did not initially. So I tried</p>	<p style="text-align: right;">Page 1032</p> <p>1 Q. Okay. And just the fact of doing that 2 would influence how the Reels feed evolved, yes? 3 A. That is correct. 4 Q. And the other thing that I noticed when 5 you were showing your video was you didn't pause on 6 other things that a teen might signal interest in, 7 right? 8 MR. CARTMELL: Object to the form. 9 THE WITNESS: I mean, that's a big 10 hypothetical. That wasn't what I was testing. 11 BY MS. JONES: 12 Q. Well, my -- I guess my -- let me ask the 13 question a slightly different way. 14 You were testing a scenario in which a 15 teen was actively looking for racy content and had 16 not otherwise through the use of Reels signaled an 17 interest in other specific topics? 18 A. That is not -- 19 MR. CARTMELL: Same objection. 20 THE WITNESS: That is not accurate. 21 BY MS. JONES: 22 Q. I didn't see in the video that you 23 actually paused and watched in completeness videos 24 on things like basketball or skateboarding or 25 anything like that?</p>

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<p style="text-align: right;">Page 1033</p> <p>1 A. I mean, the reason I said that was not 2 accurate is that you said that it was a teen looking 3 for that kind of content. And what I was trying to 4 replicate is somebody who might be looking at that 5 kind of content, not necessarily because they're 6 looking for it, but they might have been startled by 7 it and then kind of looked at more of it. 8 And so it wasn't that it was a -- seeking 9 that. I believe that can also happen in an instance 10 where you look at a video out of shock or disgust 11 and then look at a few more as a result of that. 12 Q. Sure. 13 And my question was on a slightly 14 different point, which is, in that hypothetical 15 scenario, a teen might also pause on videos that 16 reflect other areas of interest, right? 17 A. Correct. 18 Q. And in the recordings, you didn't actually 19 show that scenario where a teen might have also been 20 pausing on watching a cooking video or watching a 21 soccer game, right? 22 MR. CARTMELL: Object to form. 23 THE WITNESS: Sorry. I -- oh, I believe I 24 understand the question. 25 I'll say that is correct.</p>	<p style="text-align: right;">Page 1035</p> <p>1 That in the process of doing that, I found issues 2 that I recorded on videos. 3 And pursuant to the subpoena, there was I 4 think a second batch of videos produced, which were 5 these which had recently been found. I had not yet 6 at that point had the time to, in more detail, 7 document those issues and provide the kind of level 8 of detail that I would send in an e-mail to somebody 9 in the company bringing those issues to their 10 attention. And I chose because of the nature of 11 this unfolding, and the time available, to do that 12 after this. 13 But I mean, this is -- if you look at the 14 dates on the videos and everything, it's been a 15 pretty hectic couple of weeks. 16 I do believe that it is important for me 17 to share all of the details of my findings directly 18 with Sayed because it is my hope that these things 19 are addressed to make the safety tools more 20 effective at what they say they do. 21 (Whereupon, a brief discussion off the 22 record.) 23 BY MS. JONES: 24 Q. Mr. Bejar, other than what you described 25 in terms of believing you were reporting issues by</p>
<p style="text-align: right;">Page 1034</p> <p>1 BY MS. JONES: 2 Q. Okay. In the course of your -- what you 3 did here, did you report any of these technical 4 issues that you thought you had identified in terms 5 of the functionality of some of the company's tools? 6 A. So I believe I was doing that the moment 7 that I shared the videos as part of this process. 8 And I was actually intending, sort of, being very 9 mindful about this and the timing of things, to 10 write a more detailed report about all of my 11 observations and experiences with the safety tools 12 and send that to [REDACTED] kind of respectfully 13 indicating ways in which the safety tools could do 14 better. 15 Q. I want to just make sure I understood your 16 answer. 17 You understood that you were reporting 18 technical issues that you might have identified by 19 sharing the videos in response to a subpoena in a 20 lawsuit? 21 A. I believe that the -- the -- so the 22 process was, I began testing in order to be able to 23 prepare for this deposition. I wanted to be able to 24 make accurate claims and descriptions of how the 25 safety features work. I was very thorough about.</p>	<p style="text-align: right;">Page 1036</p> <p>1 producing the videos in response to the subpoena in 2 these cases, did you make any other report of issues 3 that you found? 4 A. Not yet. 5 Q. Okay. And I think you testified when 6 Mr. Cartmell was asking you questions that the 7 viewing of some of these videos could lead to harm? 8 MR. CARTMELL: Object to the form. 9 THE WITNESS: The viewing of which videos? 10 BY MS. JONES: 11 Q. The videos that you shared with the jury 12 the first day and the second day of your deposition. 13 A. I do. 14 Q. And if that's the case, that harm would be 15 based on a teenager seeing the content, whether 16 sexualized or violent, in the video, right? 17 MR. CARTMELL: Same objection. 18 THE WITNESS: I mean, I believe that those 19 videos are representative of when somebody in BEEF 20 says they got unwanted sexual content. And they're 21 good examples of videos that are not addressed by 22 the prevalence approach to removing content. 23 BY MS. JONES: 24 Q. Sure. And I want to be very specific 25 about my question.</p>

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<p style="text-align: right;">Page 1037</p> <p>1 Under your view or opinion that harm could 2 be the result of viewing the violent or sexualized 3 videos that you captured, that harm would have been 4 the result of the content in those videos, right? 5 MR. CARTMELL: Objection to the form. And 6 mischaracterizes. 7 THE WITNESS: No, I believe I've covered 8 both the -- that there's -- the nature of the 9 content but also, really important, sort of the 10 frequency of it. 11 BY MS. JONES: 12 Q. Well, let me ask you this question. 13 If I was a teenager and instead of what 14 you did on Reels I mostly paused on videos of 15 cooking or how to do your nails or basketball, would 16 it be your view that that would be likely to lead to 17 harm? 18 A. I haven't tested what gets recommended in 19 that context. I don't know if -- I look at those 20 videos and then at some point one of these other 21 videos gets dropped in and I watched how that steers 22 the Reels algorithm. I think it's incredibly 23 important to test that. 24 And I believe actually what BEEF is saying 25 is the importance of doing that kind of testing to</p>	<p style="text-align: right;">Page 1039</p> <p>1 A. That is correct. 2 Q. Other than sharing the results of what you 3 did with, you know, obviously the lawyers here, and 4 I think you said Laura Edelson -- 5 A. Again -- sorry, I'll let you finish the 6 question. I apologize for interrupting you. 7 Q. No, go ahead. That's fine. 8 A. Oh, it's just -- I just wanted to be 9 really clear that when we talk about videos we're 10 talking about different sets of videos and so I just 11 want to be accurate about which videos I say what. 12 Q. Okay. Other than sharing what you did 13 here with the lawyers who received different -- who 14 received it -- and we obviously saw it in the course 15 of your deposition and it sounded like you might 16 have shared it with Laura Edelson at some point. 17 Is there anyone else that you shared kind 18 of the set of videos and your Deposition Exhibit 19 Number 12 with? 20 A. I don't recall. 21 Q. Have you shared it with any journalist? 22 A. I don't recall. 23 Q. Have you shared it with any subject matter 24 experts in teen mental health or child safety who 25 could say yeah, this was the right way to run an</p>
<p style="text-align: right;">Page 1038</p> <p>1 understand under which circumstances and which Reels 2 sort of preferences algorithm. Teens are getting 3 recommended this kind of content that they're 4 telling us they do not want because it's violent and 5 because it's sexual. 6 Q. And the part of the analysis that you did 7 was looking at what happens if a teen is exposed 8 through Reels to sexualized or violent content, 9 right? 10 A. No, that's not accurate. 11 Q. What part is not accurate? 12 A. What I tested was what was the ease 13 through which that kind of content would get 14 recommended frequently. And then I tested what was 15 the nature of the content that was being recommended 16 frequently. And I also looked at features that 17 facilitate the creation of that kind of content. 18 Q. Did you -- it sounded like you did not -- 19 Mr. Reynolds, we can take the document 20 down. Thank you. 21 It sounded like you did not evaluate what 22 might happen if instead of pausing on sexualized or 23 violent videos, a teen were to mostly pause on art 24 that they liked or pictures of birds or flying a 25 kite, you did not test that?</p>	<p style="text-align: right;">Page 1040</p> <p>1 experiment like this? 2 A. For the first set of videos, I think I 3 have covered both Laura Edelson and CCDH, who I 4 think are people that are qualified, definitely. 5 Q. Okay. And I just want to make sure I'm -- 6 we're clear on the timing here. 7 You started in November of 2023; is that 8 right? 9 A. Correct. 10 Q. And at some point, you paused what you 11 were doing just because of what you were seeing in 12 the preliminary results? 13 A. Yeah, especially the videos of girls under 14 13 I found especially distressing. 15 Q. And you said that you think that pause 16 lasted for about a year; is that right? 17 A. On substantive Reels testing. 18 As I said, I did occasional revisiting but 19 not -- the testing that continued in earnest was the 20 one that began in March 2025. 21 Q. Okay. 22 A. That was aimed at the features. 23 (Whereupon, a brief discussion off the 24 record.) 25 ///</p>

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<p style="text-align: right;">Page 1041</p> <p>1 BY MS. JONES: 2 Q. Okay. So this -- the substantive Reels 3 testing that you did started in November of 2023 and 4 it sounds like it might have paused sometime in 5 early 2024? 6 A. Correct. 7 Q. And then there was about a year before you 8 started the substantive Reels testing again? 9 A. No. The features testing. 10 Q. I apologize. The features testing? 11 A. Correct. 12 Q. And the features testing you did in 13 connection with getting ready for your deposition; 14 is that right? 15 A. Correct. 16 Q. Mr. Bejar, you have, I believe, testified 17 that the work that you've done since you left Meta 18 in 2021 you've done pro bono; is that right? 19 A. Correct. 20 Q. And is that, in part, due to the fact that 21 you don't actually need to work full time anymore? 22 A. That is correct. 23 Q. And is that because when you left Meta in 24 2015 you had gone through the company's initial 25 public offering and that had made you very wealthy?</p>	<p style="text-align: right;">Page 1043</p> <p>1 which you have been doing, as you described it 2 pro bono, is a function of the fact that you made 3 quite a lot of money working at two very large tech 4 companies, right? 5 MR. CARTMELL: Same objection. 6 THE WITNESS: I made money by having been 7 very successful at the job that I did for those 8 internet companies. 9 BY MS. JONES: 10 Q. Sure. 11 And notwithstanding what you've said about 12 Meta, including that the company is negligent and 13 has been misleading, you have not, as a matter of 14 principle, given away the money that you made having 15 worked at that company, have you? 16 A. As a matter of principle, as soon as my 17 divorce proceedings cleared, I sold all stock that I 18 held on Meta because to that point that was the 19 money that I had earned to that point. 20 Q. And you -- I think by the time you left 21 Meta in 2015 you had almost 400,000 shares in the 22 company. Does that sound right to you? 23 A. I don't recall by far what the numbers 24 were. 25 Q. Do you know if all your stock had vested</p>
<p style="text-align: right;">Page 1042</p> <p>1 A. I also went through Yahoo!'s -- did I 2 start at Yahoo! after the public offering but I was 3 also part of Yahoo! at that point. 4 Q. Okay. So as between Yahoo! and Meta, did 5 you basically become a millionaire as a result of 6 working at those two companies? 7 A. Yes, I was able to get enough money so 8 that I didn't have to work full time. 9 Q. Okay. And you've not had a full-time job 10 since 2015; is that right? 11 A. That is correct. 12 Q. All right. And so your ability to do what 13 you've been doing, as you have described it, 14 pro bono, is a function of the fact that you made 15 quite a lot of money working at two very large tech 16 companies, right? 17 MR. CARTMELL: Object to form. 18 THE WITNESS: Sorry? 19 MS. JONES: He was just making an 20 objection. 21 THE WITNESS: Sorry, could you repeat the 22 question? 23 BY MS. JONES: 24 Q. Sure. 25 Your ability to do what you've been doing,</p>	<p style="text-align: right;">Page 1044</p> <p>1 by then? 2 A. I don't recall. Because I perform, like, 3 a different awards of stock over time. 4 Q. Okay. I have documents that I could show 5 you on this point. 6 Do you have any reason to disagree with 7 the notion that you had several hundred thousand 8 stock, shares of stock that had been awarded to you 9 during your time at Meta from 2009 to 2015? 10 A. I don't think I would dispute that. 11 Q. Okay. And if all of those shares had 12 vested by the time you sold your stock in 2016, that 13 would have been somewhere in the neighborhood of 14 tens of millions of dollars, right? 15 A. Yes. 16 Q. Mr. Bejar, would you acknowledge having 17 been at Meta for two separate stints that there are 18 many smart people at the company who have devoted 19 attention to the issues of teen well-being and child 20 safety on the company's platforms? 21 A. Yes. 22 Q. And do you agree that it's possible that 23 someone could disagree with your perspective on the 24 best way to tackle some of these issues that you've 25 described in terms of harms to teens on social</p>

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<p style="text-align: right;">Page 1045</p> <p>1 media?</p> <p>2 A. Yes.</p> <p>3 Q. And someone could disagree with you and</p> <p>4 not have -- someone could care very much about these</p> <p>5 issues and still disagree with you; is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. And the issues are involved enough, when</p> <p>8 you're talking about a platform with billions of</p> <p>9 people, that very smart people might come up with</p> <p>10 different ways to try to address them?</p> <p>11 MR. CARTMELL: Object to form.</p> <p>12 THE WITNESS: I mean, that's why data is</p> <p>13 so important. That's why data is so important.</p> <p>14 BY MS. JONES:</p> <p>15 Q. Let me ask you to go to what I think is</p> <p>16 Exhibit Number 54 in your pile.</p> <p>17 (Whereupon, Meta-Bejar Exhibit 54 having</p> <p>18 been previously marked, was introduced.)</p> <p>19 THE WITNESS: 54?</p> <p>20 BY MS. JONES:</p> <p>21 Q. It should be, yeah, the list of tools and</p> <p>22 features and resources.</p> <p>23 Mr. Bejar, you recognize this as a</p> <p>24 document that counsel marked with you I think</p> <p>25 yesterday during Mr. Phelps' examination?</p>	<p style="text-align: right;">Page 1047</p> <p>1 features work, would you agree with me that during</p> <p>2 the time period when you were at the company from</p> <p>3 October of 2019 --</p> <p>4 Which is the second page, Mr. Reynolds, at</p> <p>5 the top.</p> <p>6 -- until October of 2021 --</p> <p>7 A. Sorry, could you name the dates again?</p> <p>8 Q. Sure.</p> <p>9 October 2019.</p> <p>10 A. Yes.</p> <p>11 Q. Until October -- excuse me -- why don't we</p> <p>12 just go down to August of 2021.</p> <p>13 A. Yeah.</p> <p>14 Q. Mindful that you may have concerns about</p> <p>15 the effectiveness of some of these tools, while you</p> <p>16 were at the company working on Instagram Well-Being,</p> <p>17 the company was continuing to announce and push out</p> <p>18 tools and resources that might be useful for users</p> <p>19 in general but including teens?</p> <p>20 A. I guess it depends on how you define</p> <p>21 useful.</p> <p>22 Q. Okay. Well, let me ask it a different</p> <p>23 way.</p> <p>24 Putting aside whether you think they were</p> <p>25 useful or not, would you agree with me that even in</p>
<p style="text-align: right;">Page 1046</p> <p>1 A. Yes.</p> <p>2 Q. And just so the jury is situated in terms</p> <p>3 of what we're looking at, this is a page from the</p> <p>4 Meta Help Center. You can see that up on the</p> <p>5 left-hand side.</p> <p>6 A. Yes.</p> <p>7 Q. And the heading of this document is, "Our</p> <p>8 tools, features and resources to help support teens</p> <p>9 and parents."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And the principal opening paragraph says,</p> <p>13 "We've built numerous tools, features and resources</p> <p>14 that help teens have safe, positive experiences, and</p> <p>15 give parents simple ways to set boundaries for their</p> <p>16 teens."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. And it refers to a timeline below, right?</p> <p>20 A. Correct.</p> <p>21 Q. And that timeline runs from October of</p> <p>22 2010 until December of 2024; is that right?</p> <p>23 A. Correct.</p> <p>24 Q. And recognizing that you may have</p> <p>25 disagreements about how well some of these tools and</p>	<p style="text-align: right;">Page 1048</p> <p>1 the two-year period that you were at the company</p> <p>2 from October 2019 until December of 2021 the company</p> <p>3 released features and tools, yes?</p> <p>4 A. Yes, that's accurate.</p> <p>5 Q. And if we flip through, and you're welcome</p> <p>6 to do this, all of the features that are listed in</p> <p>7 Exhibit Number 54, you were shown yesterday a</p> <p>8 demonstrative that Mr. Phelps was constructing on</p> <p>9 the screen.</p> <p>10 Do you remember that?</p> <p>11 A. I do.</p> <p>12 Q. And the suggestion that I think you agreed</p> <p>13 with was the company only pushes out features and</p> <p>14 tools when they're trying to address some public</p> <p>15 relations issue.</p> <p>16 Do you remember that back and forth with</p> <p>17 him?</p> <p>18 MR. CARTMELL: Object to form.</p> <p>19 Mischaracterizes.</p> <p>20 THE WITNESS: Yeah, I think that you used</p> <p>21 the word "only." And I don't think the words</p> <p>22 "only" -- I think that the company primarily pushes</p> <p>23 safety features in that context. But I wouldn't say</p> <p>24 "only." And if I did say "only" I misspoke.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 1049</p> <p>1 BY MS. JONES: 2 Q. Okay. And so you're not -- you were not 3 suggesting yesterday with Mr. Phelps that every time 4 the company released one of these features or tools 5 it was because of some public relations issue, were 6 you? 7 A. Are we back at the correlation and 8 causation conversation? 9 I believe that there is a correlation 10 between some of these safety tools and the events 11 that we saw yesterday and I think it's a strong 12 correlation but there are instances where I believe 13 features were announced that were not responsive to 14 an article or press or a hearing. 15 Q. Okay. Mr. Bejar, I want to just touch 16 briefly on both the negative experience survey and 17 the BEEF survey that you talked about over the 18 course of the last couple of days. 19 Just starting with the negative experience 20 survey, could you go to Exhibit 9 in your pile, 21 please. 22 (Whereupon, Meta-Bejar Exhibit 9 having 23 been previously marked, was introduced.) 24 BY MS. JONES: 25 Q. And I don't -- we don't need to go into</p>	<p style="text-align: right;">Page 1051</p> <p>1 A. -- that led to this presentation? 2 Q. Yes. 3 A. I was not. 4 Q. Okay. And do you remember whether you 5 were actually in attendance at the presentation of 6 the data? 7 A. I don't recall. 8 Q. Okay. Would you defer to what Ms. [REDACTED] 9 had to say in terms of the interpretation of the 10 data from this survey? 11 MR. CARTMELL: Object to the form. And 12 foundation. 13 THE WITNESS: I mean, I think it really 14 depends on a period of time. I mean, I think what I 15 rely on is the conversations that I have and the 16 data that is here. I don't know what has happened 17 since. 18 MS. JONES: Okay. We can take that down. 19 Thank you. 20 Q. Let me ask you about the BEEF survey, 21 Mr. Bejar. 22 I think you had -- you noted yesterday, or 23 maybe it was the day one of your deposition, that 24 there were actually two versions of BEEF. 25 If you want the exhibit number, it's --</p>
<p style="text-align: right;">Page 1050</p> <p>1 the nitty-gritty of this particular document, but I 2 just wanted to focus on this document on the date, 3 which is October of 2019. 4 Do you see that? 5 A. Sorry. 6 Q. First page. 7 A. Yes, of course it's in the first page -- 8 Q. Yes. 9 A. -- in big text. I apologize. 10 Q. No, no, that's okay. 11 And you were just starting your second 12 time with the company in October of 2019, right? 13 A. Correct. 14 Q. You were not personally involved in the 15 design of this survey, right? 16 A. Correct. 17 Q. You were not personally involved in 18 developing the questions were used -- that were used 19 in the survey, right? 20 A. Correct. 21 Q. You were not personally involved in the 22 interpretation of the data; is that right? 23 A. You mean on the evaluation of the results 24 by Shilpa -- 25 Q. Yes.</p>	<p style="text-align: right;">Page 1052</p> <p>1 MR. WARD: Please. 2 MS. JONES: I don't remember is the short 3 answer but we can find it for you. 4 MR. WARD: Thanks. 5 MS. JONES: Thank you, Jim. 6 MR. WARD: Thank you. 7 MS. JONES: Yep, sure. 8 Q. You recall testifying yesterday that there 9 were, in fact, two versions of BEEF? 10 A. Sorry. What do you mean by "two versions 11 of BEEF"? 12 Q. Well, there was -- there was a data 13 collection that was done in the summer of 2021, 14 right? 15 A. Correct. 16 Q. And then there was a second data 17 collection that was done in February of 2022, right? 18 A. It was my rough understanding about the 19 second data collection. I wasn't there for the 20 second data collection. 21 Q. Okay. And that was going to be my next 22 question. 23 You were not involved in the work that 24 went into the second data collection in February of 25 2022?</p>

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<p style="text-align: right;">Page 1053</p> <p>1 A. I believe that I had conversations with 2 Kyle about what you would do differently next time. 3 Q. Okay. Do you have any sense of how the 4 company made use of the results of the BEEF survey? 5 A. I did not see any external product changes 6 based as the result of the BEEF survey in 7 particular, because I was very interested in seeing 8 what happened with unwanted advances. 9 Q. But do you know specifically whether or 10 not the company made changes, whether they were 11 external facing or otherwise, based on the BEEF 12 survey? 13 A. I'm not -- 14 MR. CARTMELL: Object to form. 15 THE WITNESS: Sorry, could you repeat the 16 question? 17 BY MS. JONES: 18 Q. Sure. 19 Do you know specifically whether the 20 company made changes, whether they were external 21 facing or otherwise, based on the BEEF survey? 22 MR. CARTMELL: Same objection. 23 THE WITNESS: Changes external or 24 otherwise. I don't recall. 25 ///</p>	<p style="text-align: right;">Page 1055</p> <p>1 Dr. [REDACTED], would you -- he was the 2 person who really ran the study from a research 3 subject matter expert perspective, right? 4 MR. CARTMELL: Hold on. Real quick. 5 Object and move to strike the statement of 6 counsel before the question. 7 MS. JONES: Let me ask the question again. 8 Q. Dr. [REDACTED] was the person who really 9 ran the BEEF study from a research subject matter 10 expert perspective, right? 11 A. Dr. [REDACTED] was the researcher within 12 the Instagram Well-Being research team who ran the 13 study. 14 Q. Okay. And would you defer to what 15 Mr. [REDACTED] had to say about the BEEF study as the 16 person who ran it from the Instagram research team? 17 MR. CARTMELL: Object to the form. 18 THE WITNESS: I -- really depends on when, 19 right, because I had many conversations with Kyle 20 about this while it was happening. And I don't know 21 what has happened since. 22 BY MS. JONES: 23 Q. One quick question I wanted to be sure we 24 talked about is you used the term "harm" in 25 connection with describing the specific things that</p>
<p style="text-align: right;">Page 1054</p> <p>1 BY MS. JONES: 2 Q. And you were shown a video clip of Adam 3 Mosseri, I think it was on day one of your 4 deposition, but I'm losing track of the dates. 5 Do you remember seeing testimony that was 6 shown of Mr. Mosseri's -- let me strike that. 7 Do you remember seeing a video clip where 8 Mr. Mosseri was testifying about the meeting that he 9 had with you in the fall of 2021? 10 A. Yes. 11 Q. And do you recall that he said, I thought 12 Mr. Bejar raised some good points and there are ways 13 in which we've integrated some of those points into 14 what we do? 15 MR. CARTMELL: Object to the form. And 16 mischaracterizes. 17 THE WITNESS: Yeah, again, I don't 18 remember the exact sentence that Adam said. And I 19 also remember him saying that I spoke about the 20 issues in a way that was minimizing them or 21 something along those lines, which I -- is not the 22 case. 23 BY MS. JONES: 24 Q. Okay. I'm actually not sure that is what 25 he said but that's neither here nor there.</p>	<p style="text-align: right;">Page 1056</p> <p>1 are being evaluated in BEEFs, yes? 2 MR. CARTMELL: I'm going to object to 3 form. 4 BY MS. JONES: 5 Q. Let me ask you a better question. 6 A. Thank you. 7 Q. Exhibit Number 21, the BEEF survey, some 8 of the things that were addressed in the survey are 9 not, in fact, bad experiences or harms? 10 MR. CARTMELL: Object to form. 11 THE WITNESS: So they're all bad 12 experiences. Some of them are more harmful than 13 others. 14 BY MS. JONES: 15 Q. Well -- 16 A. And some of them are not -- like 17 commercial one is not what I would consider to be a 18 deeply harmful experience, even though I have seen a 19 lot of people express concerns with the amount of 20 ads that they get. 21 Q. Okay. And that was actually the question 22 I was getting at. 23 There are some survey questions in BEEFs 24 that are focused on things like have you ever felt 25 that not enough people see the things you share on</p>

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<p style="text-align: right;">Page 1057</p> <p>1 Instagram, right?</p> <p>2 Let's go to page -- can we go to</p> <p>3 Exhibit 21, please, Mr. Reynolds.</p> <p>4 (Whereupon, Meta-Bejar Exhibit 21 having</p> <p>5 been previously marked, was introduced.)</p> <p>6 BY MS. JONES:</p> <p>7 Q. This is page 5.</p> <p>8 A. Page 5?</p> <p>9 Q. Yes.</p> <p>10 A. Yeah. The shadow banding question.</p> <p>11 Q. And on the right-hand side, there is a</p> <p>12 reference to "Audience limitation."</p> <p>13 A. Correct.</p> <p>14 Q. That's not a harm necessarily, right?</p> <p>15 A. Actually, one of the reasons this was</p> <p>16 there is it's not what I think of in the context</p> <p>17 which was the one -- so in the messages I sent to</p> <p>18 the executive team, I focused on the things that</p> <p>19 were harms for teenagers.</p> <p>20 In this context I believe this can be very</p> <p>21 distressing for creators who have an audience who</p> <p>22 rely on reaching people and then are bothered by --</p> <p>23 or not bothered -- it might actually affect their</p> <p>24 business or their livelihood --</p> <p>25 (Whereupon, a brief discussion off the</p>	<p style="text-align: right;">Page 1059</p> <p>1 As Kyle documented, this collated</p> <p>2 information from multiple channels, including bugs</p> <p>3 and other areas that had been flagged as issues for</p> <p>4 the platform.</p> <p>5 Q. Okay. You --</p> <p>6 We can take that down. Thank you,</p> <p>7 Mr. Reynolds.</p> <p>8 During the examination, I think with</p> <p>9 Mr. Cartmell, you were shown a number of comparisons</p> <p>10 between the data from the BEEF survey and the data</p> <p>11 that is recorded by the company in its Community</p> <p>12 Standards Enforcement Reports, right?</p> <p>13 A. CSER you said yesterday, right?</p> <p>14 Q. Yes, I know. And then I worried about</p> <p>15 using the acronym.</p> <p>16 You were shown various side-by-side</p> <p>17 comparisons of the data from BEEFs and the data from</p> <p>18 CSER in terms of particular harms, right?</p> <p>19 A. That is correct.</p> <p>20 Q. And just so the jury understands, the</p> <p>21 prevalence data that's reflected in CSER is</p> <p>22 different than the survey data that's reflected in</p> <p>23 BEEFs, yes?</p> <p>24 MR. CARTMELL: Object to the form.</p> <p>25 THE WITNESS: Yeah, I mean, I think that</p>
<p style="text-align: right;">Page 1058</p> <p>1 record.)</p> <p>2 THE WITNESS: -- if suddenly the content</p> <p>3 starts reaching less people which is why you need</p> <p>4 intensity data as to their experience of that.</p> <p>5 But it's -- you -- I don't believe you</p> <p>6 could say harm in the same way that you talk about</p> <p>7 unwarranted sexual advances.</p> <p>8 BY MS. JONES:</p> <p>9 Q. Okay. Understood.</p> <p>10 And another example of that would be right</p> <p>11 above "Audience limitation."</p> <p>12 "Over enforcement. Have you ever felt</p> <p>13 that Instagram was wrong when it removed a post or</p> <p>14 video for violating the rules?"</p> <p>15 Right above "Audience limitation."</p> <p>16 A. I mean, I do think that can be, again, a</p> <p>17 very significant issue for people, especially the</p> <p>18 larger their audiences are, and that led to the</p> <p>19 creation of the CrossCheck program. That kind of</p> <p>20 concern. So, again, it's more like might be</p> <p>21 financial harm or livelihood or somebody who feels</p> <p>22 it's really important to have their posts seen by a</p> <p>23 lot of people like political figures or people that</p> <p>24 have large followings. Again, not the traditional</p> <p>25 version of that.</p>	<p style="text-align: right;">Page 1060</p> <p>1 it is -- they are two different datasets that</p> <p>2 represent two different things.</p> <p>3 BY MS. JONES:</p> <p>4 Q. Okay. And they can both be useful; is</p> <p>5 that fair to say?</p> <p>6 A. Yes.</p> <p>7 MS. JONES: If we can take a ten-minute</p> <p>8 break, I can take a hard look at what I have left</p> <p>9 and it's just this little pile and might be able to</p> <p>10 cut back and finish. Is that okay with folks?</p> <p>11 THE WITNESS: Yes.</p> <p>12 MR. WARD: Yeah, I think that sounds like</p> <p>13 a good idea.</p> <p>14 THE VIDEOGRAPHER: Time is 4:22. We're</p> <p>15 off the record.</p> <p>16 (Whereupon, a brief recess was taken.)</p> <p>17 (Whereupon, Meta-Bejar Exhibit 70 was</p> <p>18 marked for identification.)</p> <p>19 MS. JONES: For the record, Madam Court</p> <p>20 Reporter has asked that I note for the record that</p> <p>21 we have marked Exhibit 70 as a demonstrative</p> <p>22 exhibit. Okay?</p> <p>23 MR. CARTMELL: Yes.</p> <p>24 MS. JONES: Okay. And then do I need to</p> <p>25 do the same thing for Exhibit 74? Let me go ahead</p>

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<p style="text-align: right;">Page 1061</p> <p>1 and do that for --</p> <p>2 MR. CARTMELL: I want to have them when I</p> <p>3 sit in that chair. Just -- I'm got going to write</p> <p>4 on them.</p> <p>5 MS. JONES: Yes, you can have them, but</p> <p>6 she wanted them for purposes -- let me also note for</p> <p>7 the record that we marked Deposition Exhibit</p> <p>8 Number 74 as a demonstrative exhibit.</p> <p>9 THE VIDEOGRAPHER: Time is 4:46. We're</p> <p>10 back on the record.</p> <p>11 BY MS. JONES:</p> <p>12 Q. Mr. Bejar, I think when we were speaking</p> <p>13 just a minute ago about the BEEF study and talking</p> <p>14 about -- you were talking about certain experiences</p> <p>15 that were captured by the survey that weren't</p> <p>16 necessarily bad experiences of the type that an</p> <p>17 unwanted sexual advance or unwanted nudity might be,</p> <p>18 right?</p> <p>19 A. Correct.</p> <p>20 Q. And that included, for example, feeling</p> <p>21 like not enough people were seeing the posts that</p> <p>22 you were putting on Instagram or Facebook, right?</p> <p>23 A. Correct.</p> <p>24 Q. And the reason that you said that that</p> <p>25 might affect being a concern for people in some</p>	<p style="text-align: right;">Page 1063</p> <p>1 be like a meaningfully bad experience for somebody</p> <p>2 who is depending on Instagram for either their</p> <p>3 livelihood or if they're using to store family</p> <p>4 memories?</p> <p>5 Q. Yes.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And just so the jury understands</p> <p>8 what we're talking about when we talk about</p> <p>9 overenforcement, we are talking about the</p> <p>10 possibility of the inadvertent removal or suspension</p> <p>11 of an account because of a belief that it's -- it is</p> <p>12 somehow violating.</p> <p>13 Is that a general fair summary?</p> <p>14 A. I think it can be removal of pieces of</p> <p>15 content.</p> <p>16 Q. Okay.</p> <p>17 A. And it -- depending on the nature of the</p> <p>18 violation, it might also be removal -- disabling of</p> <p>19 the account. There's checkpointing. There's a</p> <p>20 little landscape there that I don't think we need to</p> <p>21 go into detail.</p> <p>22 Q. Okay. And I was probably overly narrow in</p> <p>23 my own description.</p> <p>24 But among the things that can happen to an</p> <p>25 account in the event of what we're describing as</p>
<p style="text-align: right;">Page 1062</p> <p>1 circumstances is that there are some people whose</p> <p>2 livelihood depends on their ability to communicate</p> <p>3 information out to the world via Instagram or</p> <p>4 Facebook; is that right?</p> <p>5 A. Correct.</p> <p>6 Q. And, in fact, there are people who rely</p> <p>7 very heavily on Instagram and Facebook as just a way</p> <p>8 to maintain a record of their memories and pictures</p> <p>9 and whatnot within their circle of family and</p> <p>10 friends, right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And so can we agree, just in</p> <p>13 general terms, that overenforcement can present a</p> <p>14 challenge for folks who fall into those categories,</p> <p>15 people who rely on these platforms to do their</p> <p>16 business or people who otherwise rely on these</p> <p>17 platforms to preserve memories within their social</p> <p>18 and family circles?</p> <p>19 MR. CARTMELL: Object to the form.</p> <p>20 THE WITNESS: So is the question that --</p> <p>21 is it okay if I repeat what I understood the</p> <p>22 question to be in order to be --</p> <p>23 BY MS. JONES:</p> <p>24 Q. Yes, of course, sure. Yes, yes, yes.</p> <p>25 A. So is the question is, can overenforcement</p>	<p style="text-align: right;">Page 1064</p> <p>1 overenforcement is that certain content might be</p> <p>2 taken down, right?</p> <p>3 A. Correct.</p> <p>4 Q. Even though that content might not be</p> <p>5 violating in any way, right?</p> <p>6 A. That is correct.</p> <p>7 Q. Or there can be a circumstance where an</p> <p>8 account is suspended entirely, right?</p> <p>9 A. Correct.</p> <p>10 Q. Even though there's not actual content on</p> <p>11 the account or behavior associated with the account,</p> <p>12 the account that is violating, right?</p> <p>13 A. Correct.</p> <p>14 Q. You were asked a number of questions --</p> <p>15 and let me actually ask one final question on that</p> <p>16 point.</p> <p>17 Is -- among the other priorities that</p> <p>18 you've raised in the course of your testimony over</p> <p>19 the last three days, do you think it's appropriate</p> <p>20 for a social media company, including like Meta, to</p> <p>21 be attentive to not doing things that will result in</p> <p>22 overenforcement?</p> <p>23 MR. CARTMELL: Object to the form.</p> <p>24 THE WITNESS: I think it is important for</p> <p>25 a company like Meta to keep detailed statistics of</p>

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<p style="text-align: right;">Page 1065</p> <p>1 the kind of process we talked about for both 2 overenforcement as well as underenforcement. Both 3 of those can be significant issues -- 4 BY MS. JONES: 5 Q. Okay. 6 A. -- that affect people. 7 Q. Thank you. 8 You were asked questions either the first 9 or second day of your deposition about people under 10 13 using Instagram. 11 Do you recall that generally? 12 A. Yes. 13 Q. And I think you agreed with this when we 14 were talking yesterday but there's no question that 15 there are circumstances where kids under 13 lie 16 about their age and create online social media 17 accounts, right? 18 A. Correct. 19 Q. That's the case with Instagram and 20 Facebook, right? 21 A. Correct. 22 Q. It can also be the case with other social 23 media platforms, right? 24 A. Correct. 25 Q. And let me just ask you a question</p>	<p style="text-align: right;">Page 1067</p> <p>1 A. Yes. 2 Q. Is it fair to say that age admissions like 3 shown in the video that you showed the jury can come 4 in different forms? 5 MR. CARTMELL: Object to the form. 6 THE WITNESS: Do you mean in the context 7 of the product or... 8 BY MS. JONES: 9 Q. Yes. 10 A. So do you mean, for example, people who 11 say their age on their profile or people who post 12 pictures with hashtag a certain birthday or -- 13 Q. Yes. 14 A. -- those considerations? 15 Q. Yes. 16 A. Yes. 17 Q. Okay. And for example, it wouldn't be 18 really feasible for or at scale for a company like 19 Instagram -- or -- excuse me -- Meta to apply a rule 20 that every time there's a post that says it's my 21 eighth birthday that that means that's an under-13 22 user, right? 23 A. No, it's absolutely feasible, that scale, 24 and I can provide details about that if you would 25 like.</p>
<p style="text-align: right;">Page 1066</p> <p>1 generally and you're -- I will give you a chance to 2 explain, if you'd like to. 3 But can we generally agree that the 4 ability to identify across a platform of one or two 5 billion users that being able to proactively 6 identify under-13 users could be challenging? 7 MR. CARTMELL: Object to the form. 8 THE WITNESS: -- speaking as somebody who 9 managed infrastructure to the tech bank account for 10 1.2 billion accounts, I believe that Meta has that 11 infrastructure. 12 BY MS. JONES: 13 Q. When you were -- and I just want to make 14 sure I'm recalling correctly. 15 When you were at the company from 2019 to 16 2021, were you involved at all in age 17 verification-related efforts? 18 A. I'm trying to recall the substance of the 19 conversations that I had when youth accounts were 20 being considered. But I don't recall in detail. 21 Q. Okay. And in terms of the video that you 22 showed of the various girls who were singing along 23 to the song showing their -- their age and I think 24 maybe their favorite color, if I'm recalling 25 correctly?</p>	<p style="text-align: right;">Page 1068</p> <p>1 Q. Let me just follow up on your answer to my 2 question. 3 In that scenario, it is possible that if a 4 mom posted a picture of her eight-year-old son or 5 daughter and included either a caption or a comment 6 bubble on the image that said it's my eighth 7 birthday, that would not be an account that needs to 8 be suspended or terminated because it's an under-13 9 user, right? 10 A. And in particular, I'm not -- I did not 11 say that those accounts, depending on the 12 circumstances, need to be suspended or terminated. 13 What you described is how spam checking 14 works. And so in -- between 2010 or '11, the site 15 integrity team had infrastructure that looked at 16 every message sent, every piece of content posted, 17 every link, I think there were trillions of links, 18 40 billion pieces of content a day, to determine if 19 something was spam. 20 So if a mom posted "I had a great acai 21 berry yogurt that morning," that would go through. 22 But if somebody posted something about acai berry 23 and other criteria that were evaluated very quickly 24 happened, that could be spam and then it got -- 25 depending on the circumstances there were different</p>

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<p style="text-align: right;">Page 1069</p> <p>1 things that you would do, right.</p> <p>2 And so for something like what you're</p> <p>3 talking about, I think it would be extraordinarily</p> <p>4 straightforward at great scale to say if somebody</p> <p>5 posts hashtag eighth birthday, flag the account to</p> <p>6 have it be looked at in a little bit more detail and</p> <p>7 if within at a certain amount of precision, like</p> <p>8 80 percent, we say, oh, that might be. So then you</p> <p>9 would do a checkpoint to say is this a minor</p> <p>10 account. And you only need to do that once per</p> <p>11 account. And then, again, it can go into details if</p> <p>12 you would like about what are ways that you can</p> <p>13 apply that checkpoint in order to do verification.</p> <p>14 That checkpoint is similar to things that</p> <p>15 I implemented at Yahoo! and that checkpoint is</p> <p>16 similar to things that were implemented at Facebook.</p> <p>17 With technology we have today, when I</p> <p>18 tested the parent account, I got a checkpoint that</p> <p>19 said we just need to verify that you are a real</p> <p>20 human and I held up my phone and I moved my head.</p> <p>21 And then it was able to determine that it was a real</p> <p>22 human. And so you could do so much better than we</p> <p>23 did back then.</p> <p>24 Q. Is overenforcement -- this issue that we</p> <p>25 talked about of overenforcement, is that a risk that</p>	<p style="text-align: right;">Page 1071</p> <p>1 were at Meta you did not know Ms. Haugen?</p> <p>2 A. Correct.</p> <p>3 Q. Did you also testify yesterday that you</p> <p>4 had never communicated with Ms. Haugen about this</p> <p>5 litigation?</p> <p>6 A. I don't recall what I said yesterday about</p> <p>7 that.</p> <p>8 Q. And if you have said that, that would not</p> <p>9 be accurate, right?</p> <p>10 MR. CARTMELL: Object to the form.</p> <p>11 THE WITNESS: That would not be accurate I</p> <p>12 think.</p> <p>13 BY MS. JONES:</p> <p>14 Q. And that's because you have communicated</p> <p>15 with Ms. Haugen specifically about the lawsuits that</p> <p>16 were filed -- one of the lawsuits that was filed</p> <p>17 against Meta by the New Mexico Attorney General,</p> <p>18 right?</p> <p>19 A. I don't recall.</p> <p>20 Q. Well, let's look at the document if you</p> <p>21 don't remember.</p> <p>22 Let me hand you what we've marked as</p> <p>23 Deposition Exhibit Number 77.</p> <p>24 (Whereupon, Meta-Bejar Exhibit 77 was</p> <p>25 marked for identification.)</p>
<p style="text-align: right;">Page 1070</p> <p>1 can exist when you're talking about these issues of</p> <p>2 age verification?</p> <p>3 A. Yes, over and underenforcement are risks.</p> <p>4 Q. Have you spoken to any current employees</p> <p>5 at Meta about the development of a model to predict</p> <p>6 the ages of users under 13?</p> <p>7 A. I have not.</p> <p>8 Q. Have you worked on or been involved in</p> <p>9 discussions related to Meta's underage reporting</p> <p>10 form or processes?</p> <p>11 A. I have given feedback about that multiple</p> <p>12 times. It's the most terrible flow.</p> <p>13 (Whereupon, a brief discussion off the</p> <p>14 record.)</p> <p>15 THE WITNESS: The number of steps it takes</p> <p>16 and the way it's designed is I think -- I don't use</p> <p>17 this word lightly, "shameful."</p> <p>18 MS. JONES: I'm going to move to strike</p> <p>19 everything after "I have given feedback about that</p> <p>20 multiple times."</p> <p>21 Q. You were asked some questions, I think it</p> <p>22 was yesterday, about Frances Haugen.</p> <p>23 Do you recall that?</p> <p>24 A. Yes.</p> <p>25 Q. And I think you testified that while you</p>	<p style="text-align: right;">Page 1072</p> <p>1 BY MS. JONES:</p> <p>2 Q. We're checking on an exhibit, Mr. Bejar.</p> <p>3 But do you recognize what we've marked as</p> <p>4 Deposition Exhibit Number 77?</p> <p>5 A. Yes.</p> <p>6 Q. What is Deposition Exhibit Number 77?</p> <p>7 A. It -- I believe, and I mean, there's parts</p> <p>8 of this I don't recognize, but I believe that this</p> <p>9 was a chat with which I was -- with Frances Haugen</p> <p>10 when the New Mexico Attorney General put in BEEF as</p> <p>11 an exhibit that you could view and download on their</p> <p>12 website.</p> <p>13 Q. Okay. And that's why when you testified</p> <p>14 earlier that you had been in touch with Ms. Haugen</p> <p>15 about the litigation, that confirms that for you?</p> <p>16 A. I mean, if by the litigation you mean</p> <p>17 like -- I was really hoping that BEEF would see the</p> <p>18 light of day and so I remember that chat.</p> <p>19 Q. Okay. And the chat was about specifically</p> <p>20 a lawsuit that had been brought against the company</p> <p>21 by the New Mexico Attorney General?</p> <p>22 A. The chat was about the BEEF presentation</p> <p>23 being made available in that context.</p> <p>24 Q. Okay. Let me ask you just a couple of</p> <p>25 quick questions about some of your more historical</p>

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<p style="text-align: right;">Page 1073</p> <p>1 communications with counsel for the State Attorneys 2 General. 3 You have been in communication with the 4 State Attorneys General bringing suits against Meta 5 since 2023; is that right? 6 A. Yes, I believe so. 7 Q. I'm going to hand you what we've marked as 8 Deposition Exhibit Number 78. 9 A. Okay. 10 (Whereupon, Meta-Bejar Exhibit 78 was 11 marked for identification.) 12 BY MS. JONES: 13 Q. And I'm going to hand you one other 14 exhibit in just a moment. 15 (Whereupon, Meta-Bejar Exhibit 79 was 16 marked for identification.) 17 MS. JONES: Thank you. 18 Q. And I'm also on going to hand you what 19 we've marked as Deposition Exhibit Number 79. 20 And do you recognize both Deposition 21 Exhibit 78 and 79 as documents that you produced in 22 advance of your deposition this week? 23 A. Yes, I do. 24 Q. Okay. And let's just start with 25 Deposition Exhibit Number 78.</p>	<p style="text-align: right;">Page 1075</p> <p>1 investigation." 2 Do you see that? 3 A. Yes. 4 Q. And then she describes the fact that she's 5 been -- that New Mexico has been proceeding on a 6 separate investigation with the focus on additional 7 issues related to child safety. 8 Do you see that? 9 A. Yes. 10 Q. And then she essentially says would you be 11 willing to have a conversation, right? 12 A. Right. 13 Q. And you understand that Linda Singer is an 14 outside lawyer who is -- whose firm has been hired 15 by the State of New Mexico? 16 A. I do. 17 Q. Okay. And did you eventually have a 18 conversation with Ms. Singer and her colleagues? 19 A. Yeah, it was, I believe, just with 20 Ms. Singer. 21 Q. Okay. And if you go to Exhibit 22 Number 79 -- 23 This is Tab 113, Mr. Reynolds, Exhibit 24 Number 79. 25 -- I'm going to ask you to look actually</p>
<p style="text-align: right;">Page 1074</p> <p>1 This is an e-mail from someone named Linda 2 Singer at Motley Rice, right? 3 A. Correct. 4 Q. And it's dated November -- 5 Can we go to -- do you need a tab number? 6 TRIAL TECHNICIAN: Yeah. 7 MS. JONES: Chris needs a tab number. 8 What is the tab number. 9 112. 112, please. 10 Can we just call out the top half of that 11 please, Mr. Reynolds. 12 Q. So this is an -- this is Deposition 13 Exhibit Number 78. This is an e-mail from Linda 14 Singer at Motley Rice to you dated November the 8, 15 2023; is that right? 16 A. Yes. 17 Q. And Ms. Singer writes to you, "Mr. Bejar: 18 We write on behalf of the Office of the Attorney 19 General of the State of New Mexico." 20 Do you see that? 21 A. Yes. 22 Q. "We are aware, of course, not only of your 23 congressional testimony, which was so important, but 24 the interview you earlier provided to State 25 Attorneys General through the multistate</p>	<p style="text-align: right;">Page 1076</p> <p>1 at -- I'm going to ask you to look at the very 2 bottom of the first page of Exhibit Number 79, if 3 you would. 4 Do you see that? 5 A. Uh-huh. 6 Q. And -- you have to say yes or no. 7 A. Yes. 8 Q. Okay. So after you had that initial 9 outreach from Ms. Singer on November the 12, 2023, 10 she writes to you and says, "Arturo, please review 11 and, if you approve, countersign the attached 12 retainer. Let me know if you have any questions or 13 concerns." 14 Do you see that? 15 A. Yes. 16 Q. And then she says, "I have attached the 17 confidentiality agreement governing Meta's 18 production of documents to the New Mexico Attorney 19 General's Office." 20 Do you see that? 21 A. Yes. 22 Q. Do you recall receiving from Ms. Singer a 23 copy of a proposed retainer agreement with her firm? 24 A. There might have been an attachment to one 25 of these e-mails, but I believe that I got asked</p>

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<p style="text-align: right;">Page 1077</p> <p>1 about it and produced it.</p> <p>2 Q. Okay.</p> <p>3 A. But whatever was the attachment to this</p> <p>4 e-mail.</p> <p>5 Q. Okay. We're handing you what has been</p> <p>6 marked as Deposition Exhibit Number 80.</p> <p>7 (Whereupon, Meta-Bejar Exhibit 80 was</p> <p>8 marked for identification.)</p> <p>9 BY MS. JONES:</p> <p>10 Q. Sorry. My arms are short.</p> <p>11 Mr. Bejar, do you recognize what we've</p> <p>12 marked as Deposition Exhibit Number 80?</p> <p>13 A. I don't think I actually opened the</p> <p>14 attachment to the e-mail, but I would guess that</p> <p>15 this is the attachment to that e-mail.</p> <p>16 Q. Okay. And just to orient ourselves, this</p> <p>17 is a letter dated November the 12th, 2023; is that</p> <p>18 right?</p> <p>19 A. Correct.</p> <p>20 Q. And you can see it's on Ms. Singer's</p> <p>21 letterhead, right?</p> <p>22 A. Correct.</p> <p>23 Q. And the Re line of the letter is: Motley</p> <p>24 Rice New Mexico Social Media Litigation, right?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 1079</p> <p>1 A. No.</p> <p>2 Q. What about with other State Attorneys</p> <p>3 General, do -- were there any discussions related to</p> <p>4 a possible retention agreement with any other State</p> <p>5 Attorneys Generals about this?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Do you consider yourself to be serving as</p> <p>8 a consulting expert for any of the plaintiffs in</p> <p>9 these cases?</p> <p>10 A. Again, when you say "consulting expert," I</p> <p>11 think that has a really specific legal definition</p> <p>12 and so I don't think I can answer that question</p> <p>13 accurately.</p> <p>14 Q. Well, let me ask you, I'm actually asking</p> <p>15 probably in a more colloquial sense, do you consider</p> <p>16 yourself to be serving as a consultant on behalf of</p> <p>17 the plaintiffs who have brought claims against Meta</p> <p>18 in this case?</p> <p>19 MR. CARTMELL: I'm going to object to the</p> <p>20 form. And I do think it calls for a legal</p> <p>21 conclusion.</p> <p>22 THE WITNESS: Again, to say "consultant,"</p> <p>23 I think that has really specific meanings as well</p> <p>24 and so this is one of the instances where I think</p> <p>25 the words that you're using have very important</p>
<p style="text-align: right;">Page 1078</p> <p>1 Q. And it says, "This letter memorializes the</p> <p>2 agreement between You ('Expert') and Motley Rice LLC</p> <p>3 to serve as a consulting expert in connection with</p> <p>4 an investigation and potential litigation by the</p> <p>5 Office of the Attorney General of the State of New</p> <p>6 Mexico against various social media platforms."</p> <p>7 Right?</p> <p>8 A. That's what that says.</p> <p>9 Q. And my understanding is that you did not</p> <p>10 ultimately sign a retainer agreement with the State</p> <p>11 of New Mexico; is that right?</p> <p>12 A. Yeah, I -- when I first got this, these</p> <p>13 are terms that I know have very specific meaning in</p> <p>14 the context, so I -- that's why I wrote back that I</p> <p>15 was checking in with my counsel about these issues.</p> <p>16 Q. And why -- did you eventually sign a copy</p> <p>17 of the retainer?</p> <p>18 A. No.</p> <p>19 Q. Why is that?</p> <p>20 A. I don't recall the reason why.</p> <p>21 Q. Well, in your mind, did you have an</p> <p>22 agreement with the State of New Mexico to serve as a</p> <p>23 consulting expert in connection with the</p> <p>24 investigation and potential litigation they were</p> <p>25 bringing against Meta?</p>	<p style="text-align: right;">Page 1080</p> <p>1 meaning. And I'm not comfortable saying yes or no</p> <p>2 to that question without a full understanding of</p> <p>3 what each words are in the context that we're</p> <p>4 talking about in this.</p> <p>5 BY MS. JONES:</p> <p>6 Q. You've told me that between 2019 and 2021</p> <p>7 you were a consultant to Meta, right?</p> <p>8 A. Yes.</p> <p>9 Q. What is your understanding of the word</p> <p>10 "consultant"?</p> <p>11 A. I had a contract, they paid me for my</p> <p>12 time, kind of similar, like, I was a consultant to</p> <p>13 the oversight board.</p> <p>14 Q. Well, you -- you were not a consultant to</p> <p>15 the oversight board, were you?</p> <p>16 A. I think the right term for the first stint</p> <p>17 was "technical advisor." I don't recall from the</p> <p>18 contract what the -- again, this goes to the whole</p> <p>19 contract language thing, which I -- I'm not really</p> <p>20 comfortable talking about because I'm not a lawyer.</p> <p>21 Q. Well, the -- the e-mail exchange that we</p> <p>22 saw was related to a specific presentation that you</p> <p>23 were going to make to the oversight board, right?</p> <p>24 A. Yes.</p> <p>25 Q. And have you done any work with the</p>

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<p style="text-align: right;">Page 1081</p> <p>1 oversight board since that presentation in the fall 2 of 2024? 3 A. I have not. 4 Q. Do you recall sharing with Ms. Singer news 5 articles about some of the issues of teen safety 6 that we've talked about as part of your deposition? 7 A. I don't recall. 8 Q. Okay. Do you recall meeting with her in 9 person? 10 A. I do, yes. 11 Q. Okay. How many times did you meet in 12 person with a lawyer representing the State of 13 New Mexico? 14 A. Once. Oh, I met with -- sorry, to be more 15 precise, I met with Linda Singer once prior to 16 this -- the second exchange that you shared with me. 17 So between her reaching out and then the second 18 e-mail I believe I met with her briefly in New York, 19 I think was it? 20 Q. Who was the first State AG's Office to 21 reach out to you? 22 A. I don't recall. 23 Q. How many -- since 2023 how many meetings 24 have you had with representatives for the State AG's 25 Office?</p>	<p style="text-align: right;">Page 1083</p> <p>1 MR. CARTMELL: Objection. Asked and 2 answered. 3 THE WITNESS: I believe I've already 4 answered that question. 5 BY MS. JONES: 6 Q. Okay. And the -- you know, the documents 7 in the record will so reflect. 8 The testing that you have described in the 9 course of the last three days, you started that in 10 November of 2023; is that right? 11 A. Correct. 12 Q. And that was the very same month that you 13 began your communications with Linda Singer at 14 Motley Rice, right? 15 A. Correct. 16 Q. Did you have any discussions with 17 Ms. Singer about the fact that you had started 18 running these test sessions? 19 A. I don't recall it. That meeting was a 20 long time ago. 21 Q. In terms of your congressional testimony, 22 Mr. Bejar, how did that come to be specifically? 23 A. Somebody, I don't recall who, knew people 24 at the offices of Blumenthal and Blackburn and 25 connected me with them.</p>
<p style="text-align: right;">Page 1082</p> <p>1 A. I don't recall. 2 Q. Is it more or less than five? 3 MR. PHELPS: Objection. Form. Vague. I 4 don't know what the State AG's Office refers to. 5 There's a lot of them. 6 MS. JONES: That's fair. 7 Q. Since 2023, how many meetings have you had 8 with representatives of any State AG's Office in 9 connection with the issues you've been testifying 10 about for the last three days? 11 A. I don't recall. 12 Q. Is it more or less than ten? 13 A. I would say with -- maybe within that but 14 I get really uncomfortable saying -- 15 (Whereupon, a brief discussion off the 16 record.) 17 THE WITNESS: It sounds like within the 18 ballpark but I'm not comfortable because I don't 19 recall and I would like to be specific or more 20 accurate about the things that I say. 21 BY MS. JONES: 22 Q. Okay. But no questions since 2023, you 23 have had communications with representatives for 24 some of the State AG's Office that are bringing suit 25 against Meta; is that right?</p>	<p style="text-align: right;">Page 1084</p> <p>1 Q. You said, "Somebody, I don't recall who." 2 Let me start by asking, when was that 3 connection made? 4 A. I think between, like, probably less than 5 a week from when I had my first meeting with them. 6 Q. And I apologize because I'm -- I think I'm 7 losing track of who the "them" is. 8 Who is "them" in that sentence? 9 A. The office of Blumenthal and Blackburn. 10 Q. Okay. So you -- so someone connected you 11 with the offices of Senators Blumenthal and 12 Blackburn; is that right? 13 A. Yes. 14 Q. Is it possible that it was a 15 representative from the State AG's Office for 16 Tennessee that made that connection for you? 17 MR. PHELPS: Object to form. 18 THE WITNESS: No. 19 BY MS. JONES: 20 Q. Was it anyone else from any of the State 21 Attorneys General's Offices? 22 A. No. 23 Q. Was it someone associated with Meta? 24 A. No. 25 Q. Was it a friend or a family member?</p>

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<p style="text-align: right;">Page 1085</p> <p>1 A. Yeah, I think so. I don't recall. I had 2 a very small trusted set of people that I was 3 talking about when -- when the article from Jeff was 4 about to come out. 5 Q. Who was in that small trusted set of 6 people? 7 A. I don't recall. I mean, of course my 8 kids, I talked to them. My spouse. And I'm trying 9 to think back. I don't recall in detail. 10 Q. But whatever the initial connection -- 11 what was the method by which you were connected with 12 the offices of Senators Blumenthal and Blackburn? 13 A. I don't recall. 14 Q. Was it by e-mail? 15 A. Again, I don't recall. 16 Q. Did whoever this unnamed person is who 17 connected you with the senators' offices reach out 18 to you by phone or by e-mail or by some other means? 19 MR. CARTMELL: Object to the form. 20 THE WITNESS: I don't recall. 21 BY MS. JONES: 22 Q. And your testimony today is that you have 23 zero recollection of who that person was? 24 A. Yes. 25 Q. After you were first initially connected</p>	<p style="text-align: right;">Page 1087</p> <p>1 Offices? 2 A. No. 3 Q. And at some point along the way, the 4 Tennessee AG's Office got looped in to your actual 5 hearing, right? 6 A. I don't -- I mean, I've seen the picture 7 but I have no visibility on any of that. 8 Q. Do you recall talking at all with 9 Mr. Phelps? 10 A. After the -- my testimony, I believe we 11 shook hands. 12 Q. Mr. Bejar, a couple of other items and 13 then I'll be done. 14 On your -- on the testing sessions that 15 you described, you offered the opinion that 16 teenagers seeing the videos that you showed the jury 17 could lead to some kind of harm; is that right? 18 A. Yes. 19 Q. And the reason for that opinion is that 20 the videos are, as you've described them, sexualized 21 or violent, right? 22 A. For those examples, yes. 23 Q. Okay. And in your opinion, sexual -- 24 sexualized or violent content can be harmful for 25 teens; is that right?</p>
<p style="text-align: right;">Page 1086</p> <p>1 with Senators Blumenthal and Blackburn, how far in 2 advance of your actual testimony did you meet with 3 them and their staff? 4 A. I think it was a week. 5 Q. So probably late October; is that right? 6 A. Yes. 7 Q. And I thought you had testified on Monday 8 that you received a subpoena in connection with your 9 Senate testimony. 10 Am I recalling that correctly? 11 A. Yes. 12 Q. Was that a subpoena for your testimony or 13 a subpoena for documents? 14 A. I believe it was both. 15 Q. Okay. And do you know by what method you 16 were provided with that subpoena? 17 A. I think it's likely e-mail, but -- 18 Q. Okay. 19 A. -- again, this is all -- as you might 20 imagine, that time was pretty intense so it's a 21 little blurry now. 22 Q. At some point in this course of 23 discussions with Senators Blumenthal and Blackburn's 24 staff and the senators, did you have discussions 25 with any of the representatives from the State AGs'</p>	<p style="text-align: right;">Page 1088</p> <p>1 A. Yes. And in the videos that I produced 2 from 2025 there were eating disorder issues and I 3 did talk also to people that have experienced that 4 about the kind of content that triggered them. 5 Q. Okay. And your theory -- the theory of 6 your -- underlying your testing sessions is that the 7 algorithm associated with Instagram responds to what 8 a teen might actually engage with in terms of 9 stopping and watching a video? 10 MR. CARTMELL: Object to the form. 11 Mischaracterizes. 12 THE WITNESS: I mean, it's a small subset 13 of what I was trying to communicate. 14 BY MS. JONES: 15 Q. But was that part of what you were trying 16 to communicate? 17 A. That the algorithm is responsive to the 18 videos that you watch? Yes. 19 Q. Okay. And so the algorithm could share 20 things with you that are, in your view, harmful 21 content, right? 22 A. Correct. 23 Q. Or the algorithm could share with you 24 content that, in your view, might be completely 25 innocent and not harmful; is that right?</p>

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<p style="text-align: right;">Page 1089</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And the difference between whether</p> <p>3 you actually experience harm as between those two</p> <p>4 things is going to be a function, under your theory,</p> <p>5 of what the algorithm actually serves up in terms of</p> <p>6 what's in the video?</p> <p>7 MR. CARTMELL: Object to the form.</p> <p>8 Mischaracterizes.</p> <p>9 THE WITNESS: Sorry, I didn't understand</p> <p>10 the question.</p> <p>11 BY MS. JONES:</p> <p>12 Q. The difference between whether you</p> <p>13 actually experience harm as between those two things</p> <p>14 that we were talking about, whether the algorithm</p> <p>15 shows you violent, sexualized content or whether the</p> <p>16 algorithm shows you kind of harmless,</p> <p>17 age-appropriate content, that's going to be a</p> <p>18 consequence of what you actually see, right?</p> <p>19 MR. CARTMELL: Same objections.</p> <p>20 THE WITNESS: You're saying that the</p> <p>21 algorithm is showing you on what you actually see, I</p> <p>22 don't understand the question.</p> <p>23 BY MS. JONES:</p> <p>24 Q. Okay. Well, let me take a step back.</p> <p>25 Under your theory, for a teenager, the</p>	<p style="text-align: right;">Page 1091</p> <p>1 would be my hope for a 13-year-old, that it would</p> <p>2 consist of that kind of contents that you described.</p> <p>3 BY MS. JONES:</p> <p>4 Q. And the reason that you have that hope is</p> <p>5 because that content is age-appropriate, right?</p> <p>6 A. Correct.</p> <p>7 Q. And that content is not likely, under your</p> <p>8 theory, to lead to harm, right?</p> <p>9 A. Correct.</p> <p>10 Q. But the other type of content that you</p> <p>11 showed to the jury, sexualized, violent content,</p> <p>12 that might lead to harm, right?</p> <p>13 A. An example of that, yes.</p> <p>14 MS. JONES: Okay. I think --</p> <p>15 THE WITNESS: Especially in volume.</p> <p>16 MS. JONES: I'm sorry.</p> <p>17 THE REPORTER: I'm sorry?</p> <p>18 THE WITNESS: Sorry. I'll stop.</p> <p>19 MS. JONES: If you'll stop, I'll stop.</p> <p>20 THE WITNESS: Deal.</p> <p>21 THE VIDEOGRAPHER: Time is 5:21. We're</p> <p>22 off the record.</p> <p>23 (Whereupon, a brief recess was taken.)</p> <p>24 THE REPORTER: Do you want a copy of this</p> <p>25 transcript and the previous days?</p>
<p style="text-align: right;">Page 1090</p> <p>1 type of sexualized or violent content that was</p> <p>2 captured in your videos is harmful to teens, yes?</p> <p>3 A. Yes.</p> <p>4 Q. There are other types of content that one</p> <p>5 might see on the Instagram Reels feed that would not</p> <p>6 be harmful, right?</p> <p>7 A. That's correct.</p> <p>8 Q. And so that might include things that</p> <p>9 might also be of interest to a teenager like sports,</p> <p>10 right?</p> <p>11 A. Correct.</p> <p>12 Q. If a teen was interested in cooking, that</p> <p>13 would be that kind of content, right?</p> <p>14 A. Bunnies.</p> <p>15 Q. Bunnies, kittens, right?</p> <p>16 A. Oh, yeah, kittens.</p> <p>17 Q. Pandas, right?</p> <p>18 A. Pandas are the best.</p> <p>19 Q. There's no reason under your theory that</p> <p>20 if the algorithm showed a teenager sporting content</p> <p>21 or cooking content or bunnies or pandas or kittens,</p> <p>22 that that would lead to some kind of harm, right?</p> <p>23 A. Actually -- sorry, go ahead.</p> <p>24 MR. CARTMELL: Object to the form.</p> <p>25 THE WITNESS: Okay. I would say that</p>	<p style="text-align: right;">Page 1092</p> <p>1 MR. WARD: Yes.</p> <p>2 (Whereupon, a brief recess was taken.)</p> <p>3 THE VIDEOGRAPHER: Time is 5:31. We're</p> <p>4 back on the record.</p> <p>5 EXAMINATION</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Good afternoon, Mr. Bejar. We're back on</p> <p>8 the record. Are you ready to proceed?</p> <p>9 A. Yes. Would it be possible to move --</p> <p>10 Q. This thing?</p> <p>11 A. Yeah.</p> <p>12 Q. Yeah.</p> <p>13 A. Thank you.</p> <p>14 Q. Sure. Okay.</p> <p>15 So I'm going to follow up and have some</p> <p>16 questions for you. I'm going to try to be very</p> <p>17 respectful for your time.</p> <p>18 I'm going to start over.</p> <p>19 I'm going to follow up and ask you some</p> <p>20 questions and I'm going to try to be very respectful</p> <p>21 of your time and everybody else's because you've</p> <p>22 been here for a long time, okay.</p> <p>23 A. Thank you.</p> <p>24 Q. As you know, my name is Tom Cartmell and</p> <p>25 I've asked you questions for a period of time. I</p>

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<p style="text-align: right;">Page 1093</p> <p>1 may skip around a bit because I want to follow up on 2 some things that Ms. Jones asked you. 3 And I'd like to start out with asking you 4 about, you know, your position that you were in when 5 you went back to Meta in 2019, okay? 6 A. Okay. 7 Q. Ms. Jones referred to you multiple times 8 during her questions as, I believe, a contingent 9 worker. 10 A. Yes. 11 Q. What is a contingent worker? 12 A. I think it's the term that was used by 13 PRO Unlimited. It's an internal label. 14 Q. Okay. So PRO Unlimited, just so it's 15 clear to the jury, was the company that -- that Meta 16 uses to have contracts with independent contractors; 17 is that right? 18 A. Yes. 19 Q. Okay. So Meta wouldn't have a situation 20 where they have part-time employees come on. They 21 had this third-party called PRO when somebody like 22 you who was going to be a consultant, they would 23 have you contract with them; is that fair? 24 A. Yes. 25 Q. Okay. And that company, PRO, I guess,</p>	<p style="text-align: right;">Page 1095</p> <p>1 refer you to is, "What do you think makes sense from 2 a consulting arrangement?" 3 Do you see that? 4 A. Can you highlight it, please? I would 5 find that helpful. 6 Q. Yeah. It's in the -- 7 A. Oh, I see it now. 8 Q. -- like fourth paragraph. 9 A. Yeah. 10 Q. And that is -- is that Mr. [REDACTED] asking 11 you that or are you asking that? 12 A. It's [REDACTED] asking me that. 13 Q. Okay. And, in fact, Mr. [REDACTED] was 14 asking you to come back as a consultant; is that 15 correct? 16 MS. JONES: Objection. Foundation. 17 THE WITNESS: Yes. 18 BY MR. CARTMELL: 19 Q. Okay. And he was asking you to come back 20 as a consultant. Was it a safety consultant? 21 A. Yes. 22 Q. Okay. And I see that under that paragraph 23 it says, "My usual consulting rate is \$500" an hour. 24 Do you see that? 25 A. Yes.</p>
<p style="text-align: right;">Page 1094</p> <p>1 called you a contingent worker; is that right? 2 A. They did. 3 Q. Okay. Did anybody at Meta ever refer to 4 you as a contingent worker? 5 A. No. 6 Q. Okay. And what was your understanding as 7 to what your position was that you were hired or 8 retained to hold when were you returned to Meta in 9 2019? 10 MS. JONES: Objection to form. And 11 foundation. 12 THE WITNESS: I was a consultant that was 13 going to be looking at well-being issues. 14 BY MR. CARTMELL: 15 Q. Okay. Look at Exhibit 7, if you would, 16 real quickly. We talked about this during your 17 testimony but this is an e-mail, if you see at the 18 top, from [REDACTED] to you. 19 I'm sorry, let's -- I went to the wrong 20 e-mail. Let's start over. 21 If you go to the bottom of the page, on 22 page 1, there's an e-mail to you responding to [REDACTED] 23 [REDACTED] and you say, "Thoughts inline." Correct? 24 A. Correct. 25 Q. Okay. And what I'm referring -- want to</p>	<p style="text-align: right;">Page 1096</p> <p>1 Q. Do you remember what the rate was that you 2 were paid when you were consulting for Meta? 3 A. I believe it was \$500 an hour. 4 Q. Okay. You actually offered if they wanted 5 to do this on a pro bono basis, didn't you? 6 A. Yes. 7 Q. In other words, you offered to Meta that 8 you would come and spend time at the company or with 9 employees, by Zoom or remotely, to help them with 10 their safety on Instagram and you wouldn't even 11 charge? 12 A. Correct. 13 Q. Why did you do that? 14 A. I mean, I didn't need to charge at the 15 time and that work was important. 16 Q. Okay. Now, you were asked questions about 17 how many hours you spent, and you were shown some 18 testimony from the Tennessee AG -- 19 Yeah, what -- what exhibit was that? 20 MS. JONES: We didn't mark it if you want 21 to mark it that's fine. 22 MR. CARTMELL: I don't care to mark it. 23 I'd just like to pull up what you showed. 24 MS. JONES: Okay. 25 MR. CARTMELL: So we'll look at --</p>

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<p style="text-align: right;">Page 1097</p> <p>1 MS. JONES: Then we'll mark it as an 2 exhibit, then. 3 BY MR. CARTMELL: 4 Q. Okay. So you were shown some testimony 5 from the Tennessee -- testimony you gave in the 6 investigation of the Attorney Generals; is that 7 right? 8 A. Yes. 9 Q. And if you go to page 87, it says at the 10 bottom -- 11 MS. JONES: And I'm sorry, Counsel, since 12 we had a back and forth about the use of the 13 transcript, I think this is an inappropriate use of 14 the transcript, for the record. Objection. 15 Go ahead. 16 BY MR. CARTMELL: 17 Q. Ms. Jones read to you where you said -- 18 the question was, "How many hours a week roughly did 19 you work for the company between 2019 and '21?" 20 And you said, "I think it likely averaged 21 out to around one day a week. It was done on an 22 as-needed basis so there were weeks where it was 23 just a few hours. And then there were weeks where 24 it was like multiple days." 25 Is that what you said?</p>	<p style="text-align: right;">Page 1099</p> <p>1 framework you wanted, were you spending more time? 2 A. Yes. 3 Q. Did you always spend the amount of time 4 you needed to try to convince leadership that they 5 needed to do more to try to protect kids on 6 Instagram? 7 MS. JONES: Objection to the form. 8 THE WITNESS: Yes. 9 BY MR. CARTMELL: 10 Q. And after the BEEF survey started and you 11 were escalating your concerns with the well-being 12 team to senior leadership, were you spending more 13 time? 14 A. Yes. 15 Q. Now, you were an expert consultant; is 16 that what you were told as far as why you were 17 brought in? 18 MS. JONES: Objection. Form. And 19 characterization. 20 THE WITNESS: Yes. 21 BY MR. CARTMELL: 22 Q. Who told you that? 23 A. I think it was in my initial conversations 24 with Samir and Yoav about joining. 25 Q. Okay. Let's look at -- back at Exhibit 8.</p>
<p style="text-align: right;">Page 1098</p> <p>1 A. Yes. 2 Q. And you didn't -- she didn't ask you about 3 this, but below that you said, "And so I don't have 4 an exact average but I would always spend time with 5 them at least once a week on almost all weeks and 6 sometimes more as needed." 7 Is that correct? 8 A. Yes. 9 Q. And just so it's clear, did it vary over 10 time and did -- and let me strike that and ask it. 11 Did it vary over time how much time you 12 would spend working with Meta? 13 MS. JONES: Objection to the form. 14 THE WITNESS: Yes. 15 BY MR. CARTMELL: 16 Q. And did the time become more as time went 17 on? 18 A. Yes. 19 Q. In other words, when BEEF was being 20 developed by you and Mr. [REDACTED] were you spending 21 more time? 22 A. Yes. 23 Q. And when you were meeting with the leads 24 like Miki Rothschild and [REDACTED] and making 25 presentations to the leads about the safety</p>	<p style="text-align: right;">Page 1100</p> <p>1 Exhibit 8 we saw is Meta's document from 2 the files that talks about your job responsibilities 3 and duties, correct? 4 MS. JONES: Objection to the 5 characterization. 6 THE WITNESS: Correct. 7 BY MR. CARTMELL: 8 Q. And this is in March of 2021 so 18 months 9 after you started? 10 A. Correct. 11 Q. Okay. And I've highlighted some of the 12 things I want to ask you about real quick. 13 But it states, "We are asking Arturo for 14 several deliverables towards Instagram Well-Being's 15 mission." And it talks about "consulting to 16 Instagram Well-Being, central integrity, and other 17 internal cross-function partners." 18 Do you see that? 19 A. Yes. 20 Q. Did you do that? 21 A. Yes. 22 Q. Okay. "Consult and advise Engineering 23 leadership teams." 24 Did you do that? 25 A. Yes.</p>

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<p style="text-align: right;">Page 1101</p> <p>1 Q. Up above, I didn't --</p> <p>2 I'm sorry, Jim.</p> <p>3 Up above, "Survey designs," did you help</p> <p>4 design surveys?</p> <p>5 A. Yes.</p> <p>6 Q. Did you take whatever time was necessary</p> <p>7 to do that and put that time in?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. If you go down to Job Description,</p> <p>10 it states, we -- whoops.</p> <p>11 If you go down to Job Description, it</p> <p>12 says, "The Instagram Well-Being organization is</p> <p>13 looking for a world-class leader."</p> <p>14 Were they referring to you there?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And they say --</p> <p>17 MS. JONES: I'm sorry. Just note my</p> <p>18 objection to foundation.</p> <p>19 Go ahead.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. They say, "We would expect this person to</p> <p>22 be a thought leader in this space, with considerable</p> <p>23 (10-plus years) experience with online harm</p> <p>24 understanding, measurement, and remediation."</p> <p>25 Is that referring to you?</p>	<p style="text-align: right;">Page 1103</p> <p>1 with the well-being team?</p> <p>2 A. Yes.</p> <p>3 Q. "Influence resource allocation."</p> <p>4 Were you trying to get more resources from</p> <p>5 leadership for the well-being team so they could</p> <p>6 keep kids safe?</p> <p>7 MS. JONES: Objection to the form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. "Work with well-being product teams."</p> <p>11 Did you do that?</p> <p>12 A. Yes.</p> <p>13 Q. "Work with the well-being engineering</p> <p>14 teams."</p> <p>15 Did you do that?</p> <p>16 A. Yes.</p> <p>17 Q. "Be a bridge to other teams in the family</p> <p>18 of apps."</p> <p>19 Did you do that?</p> <p>20 A. Yes.</p> <p>21 Q. And then it says, "Represent Instagram's</p> <p>22 work in this area to our management chains, for</p> <p>23 example, leads, Instagram leads, central integrity,</p> <p>24 central customer support, and related groups up to</p> <p>25 and including Facebook executive team members."</p>
<p style="text-align: right;">Page 1102</p> <p>1 A. Yes.</p> <p>2 Q. Okay. If you go to the next page, there's</p> <p>3 Job Responsibilities. And I want to draw your</p> <p>4 attention, it says, "Finally, we would hope this</p> <p>5 leader helps coach and grow our personnel. Again,</p> <p>6 across functions."</p> <p>7 That's referring to you, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And did you do that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Under responsibility it states,</p> <p>12 "Work with the well-being research team to lead</p> <p>13 Instagram's efforts to understand bad experiences."</p> <p>14 Did you do that?</p> <p>15 A. Yes.</p> <p>16 Q. And they -- that was your responsibility</p> <p>17 that they hired you for, right?</p> <p>18 MS. JONES: Objections to the form. And</p> <p>19 foundation.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. "Work with the well-being data science</p> <p>23 team to translate those understand efforts into</p> <p>24 concrete metrics."</p> <p>25 Did you work on trying to get that done</p>	<p style="text-align: right;">Page 1104</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. So one of your responsibilities was,</p> <p>4 during the course of your work, as far as the work</p> <p>5 you were doing and any concerns you had was to</p> <p>6 escalate that all the way up to the senior</p> <p>7 executives like Mark Zuckerberg, correct?</p> <p>8 MS. JONES: Objection. Form.</p> <p>9 Characterization.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. Is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did you, in fact, do that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. It says requirement, "Proven</p> <p>16 experience in the field."</p> <p>17 Did you have that?</p> <p>18 A. Yes.</p> <p>19 Q. And they -- they were requiring that you</p> <p>20 had that when they actually hired you, right?</p> <p>21 A. Yes.</p> <p>22 Q. "Experience in management."</p> <p>23 Did you have that?</p> <p>24 A. Yes.</p> <p>25 Q. You had worked for Yahoo! for 11 years; is</p>

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<p style="text-align: right;">Page 1105</p> <p>1 that right?</p> <p>2 A. Yes.</p> <p>3 Q. In safety and security?</p> <p>4 A. Yes.</p> <p>5 Q. And you had worked for Facebook before it</p> <p>6 became Meta on the Facebook app for six years; is</p> <p>7 that right?</p> <p>8 A. Yes.</p> <p>9 Q. "A great listener with ability to</p> <p>10 communicate with people of diverse disciplines."</p> <p>11 That was required of you and one of the</p> <p>12 things why they wanted to actually have you be their</p> <p>13 safety consultant, correct?</p> <p>14 MS. JONES: Excuse me.</p> <p>15 Objection. Foundation. And form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. "20-plus years of industry experience."</p> <p>19 That was required for them to retain you</p> <p>20 as their safety consultant, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And did you have that in 2019?</p> <p>23 A. Yes.</p> <p>24 Q. And then as we saw before, the Business</p> <p>25 Justification specifically states [as read]:</p>	<p style="text-align: right;">Page 1107</p> <p>1 Q. In other words, the pillar is called</p> <p>2 well-being, and there's all kinds of teams under the</p> <p>3 pillar, many of them are involved in safety, right?</p> <p>4 MS. JONES: Let me -- hold on.</p> <p>5 Let me object to the form. And to the</p> <p>6 characterization.</p> <p>7 Go ahead.</p> <p>8 BY MR. CARTMELL:</p> <p>9 Q. There's a well-being pillar; is that</p> <p>10 right?</p> <p>11 A. Correct.</p> <p>12 MS. JONES: Same objection.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. And then under the pillar, are there many</p> <p>15 teams, one being the Mental Well-Being team, fair?</p> <p>16 A. Yes.</p> <p>17 Q. And then other teams that are also working</p> <p>18 on safety?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. You were asked a lot of questions</p> <p>21 about there's different teams other than the</p> <p>22 well-being team working on safety.</p> <p>23 Do you remember that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. But [REDACTED] was actually a</p>
<p style="text-align: right;">Page 1106</p> <p>1 The combination of responsibilities</p> <p>2 described above is quite rare: it's a world-class</p> <p>3 expert -- expertise in user understanding</p> <p>4 (research), the ability to translate it into a</p> <p>5 product roadmap, as well as an engineering plan, all</p> <p>6 in a highly specialized space (Well-being). There</p> <p>7 are fewer than 10 people in the world meeting these</p> <p>8 qualifications, we estimate, most of whom are</p> <p>9 retired or employed at our competitors.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. No doubt, no question in your mind, that</p> <p>13 is referring to you, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And if you go to dot 8, in fact, of this</p> <p>16 document, you'll see that in the conversation</p> <p>17 history, he was putting this document together under</p> <p>18 Business Justification, it states right above that,</p> <p>19 you'll see, "[REDACTED] edited," on May 26, 2021.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And [REDACTED] at the time, he</p> <p>23 was, was he not, the -- one of the leads of the</p> <p>24 entire well-being pillar?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 1108</p> <p>1 lead above lots of those teams, right?</p> <p>2 MS. JONES: Objection to the</p> <p>3 characterization. And form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. Was [REDACTED] actually the well-being</p> <p>7 pillar lead who was managing and leading lots of</p> <p>8 those teams?</p> <p>9 A. Yes.</p> <p>10 Q. Let's look at P2197.</p> <p>11 And this is marked as Exhibit 81. I just</p> <p>12 have a quick question about it.</p> <p>13 (Whereupon, Meta-Bejar Exhibit 81 was</p> <p>14 marked for identification.)</p> <p>15 BY MR. CARTMELL:</p> <p>16 Q. A couple, actually.</p> <p>17 If you go to dot 9, this is actually an</p> <p>18 e-mail from PRO to you.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And PRO is that company that Meta uses to</p> <p>22 contract with consultants like you, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you weren't shown this by Ms. Jones,</p> <p>25 but it says, "A congratulations is in order, as we</p>

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<p style="text-align: right;">Page 1109</p> <p>1 would like to extend an offer to you for a position 2 as a Policy and Security Specialist with PRO." 3 Do you see that? 4 A. Yes. 5 Q. Okay. And one of the things, if you go to 6 .2, is one of the things that you were doing, if you 7 look at the bottom e-mail from you to [REDACTED], 8 I think on September 18th, at PRO -- or -- excuse 9 me -- at Facebook, let's go to the bottom paragraph. 10 It says, "So, the issue here is that I'm 11 hired as a subject matter expert on issues that 12 relate to Facebook's business." 13 Do you see that? 14 A. Yes. 15 Q. This is in real time back in 2019 in 16 September and you're saying that you're being hired 17 as a subject matter expert, correct? 18 A. Yes. 19 Q. That's what -- that was your 20 understanding, right? 21 A. Yeah. 22 Q. "And I agree 100 percent that what I 23 discussed with Facebook/Instagram about their 24 platform is confidential and that any ideas that are 25 conceived for that context are property of</p>	<p style="text-align: right;">Page 1111</p> <p>1 understanding that things that were related to the 2 scope, I say here, were not subject to the 3 nondisclosure which tends to be pretty 4 comprehensive. 5 It says anything you might have to do with 6 social media during the time of your employment, 7 Facebook will own, and so it was important me to 8 have a carveout because I was talking to multiple 9 people and I wanted to make sure I continued to be 10 able to do that, including writing and publishing. 11 Q. You were asked multiple times by Ms. Jones 12 about what you were doing between 2015 and 2019; is 13 that right? 14 A. Yes. 15 Q. And is this document in September of '19 16 talking about you actually consulting for other 17 groups or individuals? 18 MS. JONES: Objection to the 19 characterization. 20 THE WITNESS: Yes. 21 BY MR. CARTMELL: 22 Q. Okay. And if you go to page -- or the 23 first page of this, there's an e-mail from you to 24 [REDACTED] at Facebook. And you actually tell 25 Ms. [REDACTED] -- or is that Ms. [REDACTED] do you know?</p>
<p style="text-align: right;">Page 1110</p> <p>1 Facebook." 2 What are you discussing there? 3 A. I'm discussing the nondisclosure agreement 4 that was part of the -- my contract with -- that was 5 part of my contract. 6 Q. Okay. And the next paragraph talks about 7 other things you're doing at that time in 2019 8 outside of Facebook or Meta; is that correct? 9 A. Correct. 10 Q. You say, "I'm doing this kind of advising 11 with a couple of people right now, as well as 12 writing on the subject matter, and it would not be 13 appropriate for Facebook to own what I do or write 14 about in the domain space of social networks if I'm 15 not a full-time employee." 16 Do you see that? 17 A. Yes. 18 Q. So explain what was going on and what you 19 were doing at this time outside of your work that 20 was about to start with Meta. 21 A. So during this time, I was advising 22 different organizations, sometimes pro bono, 23 sometimes compensated, on social media matters and 24 it was important for me to continue doing that and 25 being able to do that afterwards in the</p>	<p style="text-align: right;">Page 1112</p> <p>1 A. I don't. 2 Q. Okay. You actually list things you're 3 doing as of September of 2019. 4 You say, "Currently I am: Writing about 5 the impact of social media and communication tools 6 on our society, the importance of development of 7 social norms, and ways to understand and measure so 8 that the work can be planned and its impact can be 9 measured." 10 What did you mean by that? 11 A. Exactly what I wrote, which is I was 12 writing about social media and similar tools. And 13 the importance of developing social norms which I 14 believe are essential for creating a safe 15 environment. And ways of understanding and 16 measuring the impact of those implementations. 17 Q. Were you writing essays and that sort of 18 thing on that? 19 A. Correct. 20 MS. JONES: Excuse me. 21 Objection to the form. 22 BY MR. CARTMELL: 23 Q. What were you writing? 24 A. I was writing essays about that. 25 Q. Okay. Then it says, "Part of a group</p>

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<p style="text-align: right;">Page 1113</p> <p>1 called the Mobius council who is looking at how to 2 support improving the role technology plays in our 3 lives. This includes screen time, loneliness, the 4 attention economy, impact on social norms and 5 society." 6 Do you see that? 7 A. Yes. 8 Q. So what -- tell us about that work you 9 were doing as of or before you became Meta's safety 10 consultant in October of 2019? 11 A. Mobius was a group of people from 12 different backgrounds that was looking at these 13 issues and looking to work with different social 14 media companies around these issues. 15 Q. Okay. And then the last bullet is you 16 were, "Looking at similar engagements with Twitter, 17 Apple, and other entities who are shaping the role 18 of technology in our lives, which will include 19 helping them come up with their own solutions to the 20 challenges in this space, or -- possible facilitate 21 collaboration." 22 Correct? 23 A. Correct. 24 Q. And you wanted that work to stay 25 independent; is that fair?</p>	<p style="text-align: right;">Page 1115</p> <p>1 A. Because I was a consultant working on 2 meaningful issues for all of the reasons that we 3 just covered in all of the documents we have seen. 4 (Whereupon, a brief discussion off the 5 record.) 6 BY MR. CARTMELL: 7 Q. Did any of the executives you met with or 8 communicated with during those two years ever tell 9 you that they didn't want to work with you or 10 believe your opinions on the safety on Instagram 11 were valuable because you were a part-time 12 consultant? 13 MS. JONES: Objection to the form. 14 Foundation. 15 THE WITNESS: Did you say that my opinions 16 were less valuable because I was a part-time 17 consultant? 18 BY MR. CARTMELL: 19 Q. Did any executive ever tell you that? 20 A. They did not. 21 Q. What did they tell you? 22 A. Everybody I spoke to welcomed the 23 conversations, the feedback, the experience, and the 24 manner in which it was delivered. 25 MR. CARTMELL: Let's look at Exhibit 43.</p>
<p style="text-align: right;">Page 1114</p> <p>1 A. That's fair. 2 Q. Okay. Now, we talked about you being 3 hired as Meta's safety consultant in October of 4 2019. Were you actually supporting the Instagram 5 Well-Being team? 6 A. Yes. 7 Q. Okay. And you were asked a lot of 8 questions about, you know, your job as a consultant 9 and things like that. 10 Did you feel kind of like it was -- 11 Ms. Jones was downplaying the role you had? 12 MS. JONES: Hold on. 13 I'm going to object to the inappropriate 14 commentary on counsel. And form. And 15 characterization. 16 Go ahead. 17 THE WITNESS: Yes, I did. 18 BY MR. CARTMELL: 19 Q. Okay. And do you believe the -- when she 20 referred to -- strike that. 21 Do you believe that contingent worker or 22 employee is a fair representation of your work that 23 you did during those two years? 24 A. It is not. 25 Q. Why not?</p>	<p style="text-align: right;">Page 1116</p> <p>1 (Whereupon, Meta-Bejar Exhibit 43 having 2 been previously marked, was introduced.) 3 BY MR. CARTMELL: 4 Q. Exhibit 43 we looked at previously and 5 that's the letter draft to Adam Mosseri and you're 6 the signatory of that draft letter; is that correct? 7 A. Yes. 8 Q. And, again, Adam Mosseri is the number one 9 top executive at Instagram, correct? 10 A. Correct. 11 Q. And he still is today, right? 12 A. Yes. 13 Q. And if we look at the Conversation History 14 on dot 2, if you highlight that first two paragraphs 15 under Conversation History -- 16 Jim, if you highlight the first two 17 paragraphs under Conversation History. 18 -- there's a list of names. I counted 19 them, if you want you can count them, but I think 20 it's 19 names. 21 Do you see that? 22 A. Yes. 23 Q. And are those all people that actually had 24 worked with you to try to escalate the concerns you 25 and the well-being team had about the safety of kids</p>

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<p style="text-align: right;">Page 1117</p> <p>1 on Instagram?</p> <p>2 A. Yes.</p> <p>3 Q. And they nominated you to be the</p> <p>4 spokesperson to take it to actually the executives?</p> <p>5 A. Yes.</p> <p>6 Q. Did you have enough time or spend enough</p> <p>7 time to be nominated by the entire team of 19 people</p> <p>8 and go speak to the executives?</p> <p>9 MS. JONES: Objection to the form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. And these people include Miki Rothschild,</p> <p>13 right, who is one of the leads of the entire</p> <p>14 well-being pillar with [REDACTED], correct?</p> <p>15 A. Correct.</p> <p>16 Q. In other words, Miki Rothschild is also --</p> <p>17 was he -- strike that.</p> <p>18 Was Miki Rothschild also one of the leads</p> <p>19 of the entire well-being pillar that had lots of</p> <p>20 different teams under it that were working on safety</p> <p>21 on Instagram?</p> <p>22 A. Yes.</p> <p>23 Q. Is it possible that there were other</p> <p>24 safety teams other than the well-being team that</p> <p>25 were making Instagram a safe place and you just</p>	<p style="text-align: right;">Page 1119</p> <p>1 underresourced problem for the well-being team?</p> <p>2 MS. JONES: Objection to the form.</p> <p>3 THE WITNESS: I did not need to know the</p> <p>4 head count in order to be able to do that</p> <p>5 effectively.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Well, did you -- you've given an opinion</p> <p>8 that there was a lack of a resource and support and</p> <p>9 funding for the safety work and well-being work on</p> <p>10 Instagram; is that right?</p> <p>11 A. Absolutely.</p> <p>12 Q. And what was the basis for your knowledge</p> <p>13 in that regard?</p> <p>14 A. It was my familiarity with different</p> <p>15 aspects of the well-being pillar including</p> <p>16 engineering part of research and the people that</p> <p>17 were working on these issues for that team.</p> <p>18 Q. Did you need to know the exact head counts</p> <p>19 for each team in order to give that opinion and</p> <p>20 opine that there was a lack of resources and funding</p> <p>21 and support?</p> <p>22 A. You did not. All you had to do was look</p> <p>23 at the roadmap and talk to the people.</p> <p>24 Q. And you talked to people who actually told</p> <p>25 you that; is that fair?</p>
<p style="text-align: right;">Page 1118</p> <p>1 missed it?</p> <p>2 MS. JONES: Objection to the form. And</p> <p>3 foundation.</p> <p>4 THE WITNESS: How about -- about Instagram</p> <p>5 itself, specifically, I don't think so.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. In other words, did you do a full</p> <p>8 assessment of the safety of kids on Instagram?</p> <p>9 MS. JONES: Objection to the form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. And if there had been other safety teams</p> <p>13 that were putting in place safety tools and features</p> <p>14 to protect kids, would you have known about that?</p> <p>15 MS. JONES: Objection. Foundation.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. You were asked a lot of questions about</p> <p>19 not knowing the exact head count that were -- was in</p> <p>20 place for different teams.</p> <p>21 Do you remember that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Did you need to know the exact head</p> <p>24 count of all the -- the teams or what they had in</p> <p>25 order to know that there was a serious</p>	<p style="text-align: right;">Page 1120</p> <p>1 A. Yes.</p> <p>2 MS. JONES: Objection to the form.</p> <p>3 BY MR. CARTMELL:</p> <p>4 Q. Did you talk to people about that who told</p> <p>5 you about the -- strike that.</p> <p>6 Did you talk to other people at Meta who</p> <p>7 told you that there was a lack of resources and</p> <p>8 funding and support for the safety work on</p> <p>9 Instagram?</p> <p>10 MS. JONES: Objection to the form.</p> <p>11 Foundation.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. Was that well-known?</p> <p>15 A. Yes.</p> <p>16 MS. JONES: Same objections.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. Why would Meta, based on your expertise</p> <p>20 and understanding from your time at Meta when they</p> <p>21 had all those full-time employees, hire you as a</p> <p>22 consultant?</p> <p>23 MS. JONES: Objection to the form.</p> <p>24 Foundation.</p> <p>25 THE WITNESS: You hire a consultant</p>

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<p style="text-align: right;">Page 1121</p> <p>1 because they can see things that full-time employees 2 can't see and they can say things that full-time 3 employees can't say. 4 BY MR. CARTMELL: 5 Q. Let's take those one at a time. 6 What do you mean that a consultant like 7 you who is brought in can see things that maybe the 8 full-time employees can't? 9 A. It means that the full-time employee has 10 the perspective of their manager and performance 11 reviews and where they sit in the organization. 12 And then an independent consultant, 13 something I did for Meta and other organizations, 14 can talk to them and to their manager and to their 15 managers' managers, to other people in other parts 16 of the company, so you can get a perspective on the 17 organization that the employee does not have. 18 Q. And is that something that, in fact, you 19 did during the time you were there? 20 A. Yes. 21 Q. And you said also a consultant like you is 22 brought in because you can say things that full-time 23 employees can't say; is that right? 24 A. That is correct. 25 Q. Explain that, please.</p>	<p style="text-align: right;">Page 1123</p> <p>1 A. Because it would be admitting through your 2 management chain that the work that you are doing is 3 not having sort of an impact that you sort of talk 4 about doing. I mean, there are -- when you look 5 at -- at what it means, for example, for Miki to say 6 yeah, you know, the roadmap that we've been working 7 on is wrong, and what we need to do is we need to 8 invest in the approach that's based on harm, there's 9 such a meaningful conflict of interest for him to 10 say that to his manager and his manager's manager 11 and it's in every performance review he has had up 12 to that point. 13 And so an external consultant can look at 14 all of this and say, no, actually, the approach is 15 wrong. It needs significantly more resources. And 16 then you check with the people because I am 17 representing their work. Is this accurate, is this 18 something that you are comfortable with me taking to 19 Mark Zuckerberg. 20 And my experience is they were not just 21 comfortable, they were hopeful that I was able to go 22 up to Mark Zuckerberg, Chris Cox, Sheryl Sandberg, 23 and Adam Mosseri and say the things that I was able 24 to say because as an independent consultant you can 25 say things that full-time employees cannot say.</p>
<p style="text-align: right;">Page 1122</p> <p>1 MS. JONES: I'm going to just note my 2 objection to form. 3 MR. CARTMELL: Could you explain that, 4 please? 5 MS. JONES: The first part of your 6 question. 7 MR. CARTMELL: Okay. That's what I wanted 8 to know because I want to restate it if you -- 9 that's what you're talking about. 10 MS. JONES: Okay. 11 BY MR. CARTMELL: 12 Q. What did you mean when you said that there 13 are -- strike that. 14 What did you mean when you said a 15 consultant like you is important to be brought in 16 because that consultant can say things that 17 full-time employees cannot? 18 A. What I mean by that is all 19 people in 19 this document and everybody else that I spoke to on 20 my way to the escalation that I did, none of them 21 were comfortable going to Mark Zuckerberg and say 22 the approach that the company is taking to safety 23 and security especially as it affects teens is 24 wrong. 25 Q. Why is that?</p>	<p style="text-align: right;">Page 1124</p> <p>1 Q. And based on your understanding, were you 2 designated as the spokesperson to go all the way to 3 the top of the organization about the concerns with 4 risks to kids on Instagram because of that reason, 5 in part? 6 MS. JONES: Objection. Form. Foundation. 7 THE WITNESS: Yes. 8 BY MR. CARTMELL: 9 Q. And did anybody actually disagree, that 10 you know of, with your opinion in realtime, back in 11 2019 to 2021, with your opinion that, for example, 12 there was a big problem with well-being and safety 13 work not being adequately funded, supported, and 14 resourced? 15 A. Nobody disagreed. 16 Q. Did everybody who you were working with on 17 safety and well-being for Instagram agree with you 18 that the executives needed to be told about that in 19 order to try to get enough support and funding and 20 resources to try to help the safety of kids on 21 Instagram? 22 A. Everybody agreed. 23 Q. Let me hand you Exhibit 82. 24 (Whereupon, Meta-Bejar Exhibit 82 was 25 marked for identification.)</p>

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<p style="text-align: right;">Page 1125</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Exhibit 82 comes from Meta's files. And</p> <p>3 was in your files as well and they produced it in</p> <p>4 this case. It's called -- entitled "Notes for bad</p> <p>5 experiences meeting with Adam."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. What is this documents; do you remember?</p> <p>9 A. Notes from the bad experiences meeting</p> <p>10 with Adam.</p> <p>11 Q. Okay. And you are working on preparing</p> <p>12 for your final meeting with the top executive at</p> <p>13 Instagram, Adam Mosseri?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. I just want to ask you a question</p> <p>16 about dot 5 in the conversation or preparation of</p> <p>17 these notes for your meeting with the top executive,</p> <p>18 Adam Mosseri.</p> <p>19 A. Uh-huh.</p> <p>20 Q. I want to ask you about [REDACTED]</p> <p>21 entry at 9:20 p.m.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. He states, "I agree with your hypothesis</p> <p>25 and you're right, it needs to be" -- it probably --</p>	<p style="text-align: right;">Page 1127</p> <p>1 resonated -- would resonate with the head of central</p> <p>2 integrity as well.</p> <p>3 MS. JONES: Counsel, I'm very sorry, I</p> <p>4 should have lodged an objection on foundation based</p> <p>5 on that Mr. Bejar is offering an opinion as to what</p> <p>6 Mr. [REDACTED] meant. Please forgive me.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. And did you talk to Mr. [REDACTED] about his</p> <p>9 opinion in this regard?</p> <p>10 A. Many times.</p> <p>11 Q. Is Mr. [REDACTED] saying here that there is</p> <p>12 underresourcing, lack of support, and lack of</p> <p>13 funding for the actual well-being and safety work at</p> <p>14 Instagram?</p> <p>15 A. Yes.</p> <p>16 Q. And he held that opinion as strongly as</p> <p>17 you did; do you know?</p> <p>18 A. Absolutely.</p> <p>19 MS. JONES: Excuse me.</p> <p>20 Same objection on foundation. And also</p> <p>21 form.</p> <p>22 BY MR. CARTMELL:</p> <p>23 Q. Do you know if Mr. [REDACTED] held that</p> <p>24 opinion as strongly as you did?</p> <p>25 A. I do know, yes, he did.</p>
<p style="text-align: right;">Page 1126</p> <p>1 strike that.</p> <p>2 It states, "I agree with your hypothesis,</p> <p>3 and you're right it needs to be verified. But I</p> <p>4 don't think that is the strongest talking point. I</p> <p>5 suggest a framing like we've had 500 to 1000</p> <p>6 engineers working to reduce prevalence for 3 to</p> <p>7 4 years (so, conservatively, 1500-person-years of</p> <p>8 work!) We've had maybe 5 engineers for maybe 6</p> <p>9 months working on BEEF/TRIPS and we're seeing</p> <p>10 promising results. We need to change our investment</p> <p>11 portfolio. I think this language would resonate</p> <p>12 with Guy too."</p> <p>13 And then he says -- there's a -- maybe a</p> <p>14 link to you; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. So what's your understanding of what</p> <p>17 Mr. [REDACTED] is saying?</p> <p>18 A. What Yoav is saying is that they've had</p> <p>19 1500-person-years of work to reduce prevalence over</p> <p>20 three or four years. And they've had five engineers</p> <p>21 for maybe six months working on BEEF. And they're</p> <p>22 seeking promising results so the investment</p> <p>23 portfolio, the way the company invests engineers,</p> <p>24 needs to change.</p> <p>25 And I believe that that language</p>	<p style="text-align: right;">Page 1128</p> <p>1 Q. Is he indicating right here that Meta's</p> <p>2 work on the prevalence metric, which is, we saw from</p> <p>3 the community standards and enforcement report,</p> <p>4 that's the metric that they would publish on the</p> <p>5 website, right?</p> <p>6 MS. JONES: Objection. Foundation.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. Was the prevalence metric that Mr. [REDACTED]</p> <p>9 is referring to here what they would publish on</p> <p>10 their transparency website?</p> <p>11 A. Yes.</p> <p>12 Q. Is Mr. [REDACTED] talking about how many</p> <p>13 and -- engineers the company would put towards that</p> <p>14 investment towards the transparency websites?</p> <p>15 A. Yes.</p> <p>16 Q. And does it look like from this, if you do</p> <p>17 the math, that there were up to 200 times as many</p> <p>18 engineers working on prevalence versus working on</p> <p>19 the bad experiences and encounters framework that</p> <p>20 you were trying to get the company to proceed with?</p> <p>21 A. Yes.</p> <p>22 Q. Is that -- is that why you have the</p> <p>23 opinion that there was a system of safety in place</p> <p>24 that was inadequate to protect kids?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 1129</p> <p>1 Q. Is that why you have the opinion, in part, 2 because -- strike that. 3 Is that support for your opinion that 4 there was severe underresourcing support and funding 5 for the well-being and safety work? 6 A. Yes. 7 Q. I'm going to hand you Exhibit 83, 8 Mr. Bejar. 9 (Whereupon, Meta-Bejar Exhibit 83 was 10 marked for identification.) 11 BY MR. CARTMELL: 12 Q. Which is an e-mail string that was 13 produced to us by Meta in this case. And it came 14 from your files. Do you see that this is an e-mail 15 from you, on the bottom e-mail, to Mark Zuckerberg, 16 Sheryl Sandberg, Chris Cox, Adam Mosseri. 17 Do you see that? 18 A. Yes. 19 Q. Are those the -- like, if you had to look 20 at this period of time in October of 2021, are those 21 the top four ranking employees at the entire 22 company? 23 MS. JONES: Well -- I'm sorry. 24 Objection to the characterization. When 25 you said the entire -- oh, you're looking at --</p>	<p style="text-align: right;">Page 1131</p> <p>1 A. Yes. 2 Q. And he had told you he was too busy 3 multiple times? 4 A. Yes. 5 Q. He says, "Arturo, let's catch up next 6 week. I've been swapped with the youth work and a 7 few other fires, but happy to go through this in 8 more detail with you. I've also been talking to 9 Miki, Yoav, and Samir who have been echoing the 10 point of the large gap between perceived issues and 11 technically violating issues." 12 Do you see that? 13 A. Yes. 14 Q. What is that referring to? 15 A. It's referring to the gap that -- 16 MS. JONES: I'm sorry. Let me just object 17 on foundation insofar as you're asking Mr. Bejar to 18 opine on what Mr. Mosseri meant. 19 Go ahead. 20 THE WITNESS: It refers to the large gap 21 between the issues people are experiencing and the 22 technically violating issues and that Yoav and Miki 23 and Samir had also been talking to him about these 24 issues. 25 ///</p>
<p style="text-align: right;">Page 1130</p> <p>1 sorry, go ahead. I apologize. I was looking at the 2 wrong e-mail. Forgive me. 3 BY MR. CARTMELL: 4 Q. Go ahead. 5 A. Yes. 6 Q. In other words, at this period of time in 7 2021, Instagram had 2 billion users, correct? 8 A. Yes. 9 Q. And the company is making tens of billion 10 dollars a year, correct? 11 A. Yes. 12 Q. And these four individuals that you are 13 e-mailing are the top four executives at this 14 company? 15 A. Yes. 16 Q. Okay. And Mr. Mosseri responds to your 17 e-mail on October 6, 2021. 18 Do you see that? 19 A. Yes. 20 Q. And he is the top executive at Instagram, 21 right? 22 A. Yes. 23 Q. You had been trying to get a meeting 24 for -- with him for a pretty long period of time, 25 correct?</p>	<p style="text-align: right;">Page 1132</p> <p>1 BY MR. CARTMELL: 2 Q. Right. 3 Was your understanding that Miki and Yoav 4 and Samir all were echoing the exact same concerns 5 you had about safety of kids on Instagram to the 6 executives? 7 MS. JONES: Objection. Foundation. 8 THE WITNESS: Yes, that was my 9 understanding. 10 BY MR. CARTMELL: 11 Q. And they had designated you to be the one 12 actually who would escalate and tell in a formal 13 letter the executives that they didn't have an 14 understanding of the harms that were occurring on 15 Instagram; is that right? 16 A. That is right. I could say what they 17 couldn't say. 18 Q. And then he says "but I agree we have more 19 to do." 20 Do you see that? 21 A. Yes. 22 Q. What did that mean to you? 23 A. That they have work to do on this space. 24 Q. Did that tell you that Adam Mosseri, the 25 top executive at Instagram, admitted as of</p>

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<p style="text-align: right;">Page 1133</p> <p>1 October 2021 that there was a gap and there was more 2 work to do? 3 MS. JONES: Objection to the foundation. 4 And characterization. 5 Go ahead. 6 THE WITNESS: Yes. 7 MR. CARTMELL: Can you put up Exhibit 70, 8 please. 9 (Whereupon, a brief discussion off the 10 record.) 11 BY MR. CARTMELL: 12 Q. Now, you went through with Ms. Jones this 13 chart that she titled 30 years of child safety 14 experience. 15 Do you see that? 16 A. I do. 17 Q. You were asked lots of questions and I 18 think she spent a lot of time going through your 19 career to see whether or not you really had 30 years 20 of child safety; is that correct? 21 MS. JONES: I'm going to object to the 22 improper commentary about counsel. 23 BY MR. CARTMELL: 24 Q. Did Ms. Jones go through this with you in 25 excruciating detail?</p>	<p style="text-align: right;">Page 1135</p> <p>1 your career? 2 A. It does not. 3 Q. Why is that? 4 MS. JONES: Can I just note an objection 5 to the extent that the question invites a narrative 6 response. 7 Go ahead. 8 THE WITNESS: It would take many sheets of 9 paper with very different content or text to outline 10 all of the experiences I have had over the last 11 30 years working on these issues. 12 BY MR. CARTMELL: 13 Q. Is it true and were you being accurate, 14 though, for the 30 years starting in 1995 until 15 today, you have been actively involved in issues 16 related to child safety on social media apps? 17 MS. JONES: Objection to the form. 18 THE WITNESS: On social products, yes. 19 BY MR. CARTMELL: 20 Q. And you weren't -- strike that. 21 You haven't been full time employed for a 22 long period of time; is that correct? 23 A. Correct. 24 Q. But does that mean that you're not working 25 in that area?</p>
<p style="text-align: right;">Page 1134</p> <p>1 MS. JONES: I might have the same 2 objection. 3 BY MR. CARTMELL: 4 Q. Did Ms. Jones go through this -- let me 5 start over. 6 Did Ms. Jones -- 7 MS. JONES: I will give you I went through 8 it in detail. 9 Go ahead. 10 BY MR. CARTMELL: 11 Q. It took a while? 12 MS. JONES: Yeah. 13 BY MR. CARTMELL: 14 Q. Did Ms. Jones -- 15 A. I'm sorry. 16 Q. Let me start over. I'll give you a 17 second. 18 A. Okay. Thank you. 19 Q. Did Ms. Jones go through this 20 demonstrative that she put together to discuss your 21 career, essentially? 22 A. Yes, she did. 23 Q. Okay. Do you think that this document 24 that Ms. Jones created while you were testifying 25 accurately reflects your work on child safety during</p>	<p style="text-align: right;">Page 1136</p> <p>1 A. No, it doesn't mean that at all. 2 Q. Have you continued to work in that area in 3 a pro bono basis ever since 2021? 4 A. Yes, I've put in a significant amount of 5 time. 6 Q. And from 2015 to 2019, even when you were 7 trying to be a very present parent for your 8 daughter, you were still doing things at that time, 9 as we saw earlier, related to child safety? 10 A. Yes. 11 Q. I just want to point out one thing because 12 Ms. Jones talked to you about whether or not you 13 actually told Congress about your part-time 14 position -- strike that. 15 I want to ask you this because 16 Ms. Jones -- strike that. 17 Do you remember Ms. Jones asking you if 18 you told Congress about your part-time position at 19 Meta? 20 MS. JONES: I'm going to object to the 21 mischaracterization of what he was asked. 22 Go ahead. 23 THE WITNESS: Yes. 24 BY MR. CARTMELL: 25 Q. In fact, she asked you specifically, did</p>

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<p style="text-align: right;">Page 1137</p> <p>1 you in any way communicate how limited your role was</p> <p>2 when you went back to the company from 2019 to 2021.</p> <p>3 That's what she asked you, right?</p> <p>4 A. Yes.</p> <p>5 MR. CARTMELL: Let's pull up P1215,</p> <p>6 Exhibit 84.</p> <p>7 (Whereupon, Meta-Bejar Exhibit 84 was</p> <p>8 marked for identification.)</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. Before you testified in front of Congress,</p> <p>11 did you have to give them written testimony?</p> <p>12 A. Yes.</p> <p>13 Q. And did you prepare that testimony?</p> <p>14 A. Yes.</p> <p>15 Q. And is this exhibit your written testimony</p> <p>16 that you prepared for Congress?</p> <p>17 A. Yes.</p> <p>18 Q. If you go to the last page of this on</p> <p>19 dot 15, you were asked to give a biography of your</p> <p>20 career at that time, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And you attached your biography and you</p> <p>23 said, "From 2019 to 2021, Arturo returned to</p> <p>24 Facebook to work as a part-time independent</p> <p>25 consultant and industry expert for the well-being</p>	<p style="text-align: right;">Page 1139</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. You actually did tell Congress in your</p> <p>3 biography and attached to your written testimony to</p> <p>4 Congress that you were a part-time employee from</p> <p>5 2019 to 2021, correct?</p> <p>6 A. Yes, I did.</p> <p>7 Q. Have you ever tried to hide that fact or</p> <p>8 not been honest about the fact that you were part</p> <p>9 time during that '19 to '21 stint with Meta?</p> <p>10 A. No.</p> <p>11 Q. You were asked multiple questions about</p> <p>12 your use of Facebook and your daughter's use of</p> <p>13 Facebook.</p> <p>14 Do you recall that?</p> <p>15 A. Yes.</p> <p>16 Q. And you were also asked about your use of</p> <p>17 Instagram and your daughter's use of Instagram?</p> <p>18 A. Yes.</p> <p>19 Q. Is there -- well -- strike that.</p> <p>20 Why is it that if you have opinions that</p> <p>21 Instagram is not safe for kids, why is it that you</p> <p>22 and your daughter would have an Instagram account?</p> <p>23 MS. JONES: I'm going to object to the</p> <p>24 extent the question invites a narrative. Objection.</p> <p>25 THE WITNESS: I mean, those are two</p>
<p style="text-align: right;">Page 1138</p> <p>1 team at Instagram."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Is it true that -- strike that.</p> <p>5 You were not shown this, right?</p> <p>6 A. Sorry?</p> <p>7 Q. You were not shown this previously,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. But it's true that you actually did tell</p> <p>11 Congress that you were part time from 2019 to 2021,</p> <p>12 correct?</p> <p>13 MS. JONES: Excuse me.</p> <p>14 Same objection to the characterization of</p> <p>15 what he was asked.</p> <p>16 But go ahead.</p> <p>17 MR. CARTMELL: I read exactly what you</p> <p>18 said. I have the transcript.</p> <p>19 MS. JONES: Right. But that's not</p> <p>20 consistent with that document.</p> <p>21 Go ahead.</p> <p>22 MR. CARTMELL: I think you got the end of</p> <p>23 my question so I'm going to ask it again.</p> <p>24 MS. JONES: Okay.</p> <p>25 ///</p>	<p style="text-align: right;">Page 1140</p> <p>1 separate issues.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. Does it kind of miss the point?</p> <p>4 MS. JONES: Excuse me.</p> <p>5 Objection to the form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. Explain that.</p> <p>9 MS. JONES: Same objection to inviting a</p> <p>10 narrative.</p> <p>11 THE WITNESS: I'm using Instagram to stay</p> <p>12 connected with people that I don't primarily. My</p> <p>13 daughter is using Instagram in a very conscious way.</p> <p>14 I am engaging with her about it. And that's</p> <p>15 independent from the fact that given my experience,</p> <p>16 my expertise, and my track record, and then my</p> <p>17 experience within Instagram that I could have a</p> <p>18 clear, well-informed set of opinions about how to</p> <p>19 work in child safety is progressing. I mean, it's</p> <p>20 just two really different things.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. I think you always testified to and</p> <p>23 written about in your essays that you agree that</p> <p>24 there can be some benefit to social media, right?</p> <p>25 A. Absolutely.</p>

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<p style="text-align: right;">Page 1141</p> <p>1 Q. You've never said or written that there's 2 not some benefit to social media; is that right? 3 A. Absolutely. 4 Q. But you also -- strike that. 5 Had you also written and testified that 6 there's harm as well? 7 A. Yes. 8 Q. And have you also written and testified 9 that despite the benefits, in your opinion, 10 companies like Meta need to do what they can to 11 prevent harm to kids? 12 A. Absolutely. 13 Q. You told Congress in your written 14 testimony that while there's plenty of good that 15 comes from your daughter's time using social media, 16 frequently she has to deal with awful problems, 17 didn't you? 18 A. Yes, I did. 19 Q. You were -- were you honest with Congress 20 that, in fact, there are some benefits your daughter 21 has received? 22 A. Yes. 23 Q. But what are you trying to protect? 24 A. I'm trying to protect every kid that uses 25 Instagram. And so that's really the reason I'm --</p>	<p style="text-align: right;">Page 1143</p> <p>1 that? 2 A. I think the lucky is mutual. I'm lucky to 3 have her as a daughter and I think my daughter is 4 very lucky that she trusts me and she has me to lean 5 on and look to when she was experiencing these 6 issues. 7 Q. Do you have concern, though, for kids on 8 Instagram, young kids, like you said, I think 13 to 9 16, who don't have parents that have a lifetime of 10 child safety experience online? 11 MS. JONES: Objection. Foundation. 12 THE WITNESS: I don't think that I have 13 enough words or accurate enough words to convey how 14 concerned I am. Every action that I have taken on 15 this path has been to the service of protecting kids 16 online. That's ultimately why I'm doing all of this 17 in the way that I'm doing it. 18 BY MR. CARTMELL: 19 Q. Do you remember when you were asked about 20 this timeline that Ms. Jones put together and you 21 wanted to say something and she said your lawyer -- 22 or the lawyers for -- strike that. 23 Do you remember when Ms. Jones asked you 24 about this timeline and there was something you 25 wanted to say about it and she said that the lawyers</p>
<p style="text-align: right;">Page 1142</p> <p>1 have been doing all of this, right? My daughter is 2 okay. She's going to be fine. But I think of every 3 kid who's on there right now, and not only that, but 4 every kid that has been there for, like, since the 5 beginning of the product, and I think that is such 6 critical work and so I think that there's both 7 critical and urgent work. 8 MR. CARTMELL: Let's pull up Exhibit -- 9 71 -- 74. Let's pull up Exhibit 74. 10 Q. One of the things that you believe is that 11 not every kid has a parent like you who is an online 12 child safety expert? 13 MS. JONES: Objection. Foundation. 14 THE WITNESS: Yeah, not a lot of kids have 15 that. 16 BY MR. CARTMELL: 17 Q. Is that pretty rare? 18 A. Yeah, I think it's pretty rare. 19 Q. And -- 20 MS. JONES: I apologize. I should have 21 noted my objection to the foundation. 22 Go ahead. 23 Lack of foundation. 24 BY MR. CARTMELL: 25 Q. Is your daughter sort of lucky to have</p>	<p style="text-align: right;">Page 1144</p> <p>1 can ask you that later. 2 Do you remember what that was? 3 A. I do. 4 Q. What is that? 5 A. That this timeline should incorporate -- 6 like, this has when I first learned of my daughter's 7 harms, but it also, like, really needs to be, like, 8 when did this harm start unfolding in the product. 9 Like way behind this. And then refer to every other 10 kid that could have experienced these harms because 11 that is millions over so many years. 12 And this only reflects my own encounter 13 and understanding of these issues. But I cannot 14 imagine how many teens and kids and young kids have 15 been experiencing these issues for how long on 16 Instagram. 17 Q. Ms. Jones asked you several questions 18 about whether or not it's possible for Meta to get 19 rid of all the harm on Instagram. 20 Do you recall that? 21 A. Yes. 22 MS. JONES: Well, I'm going to object to 23 the characterization of the question. 24 But go ahead. 25 ///</p>

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<p style="text-align: right;">Page 1145</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Is that true, that it's probably not</p> <p>3 likely or maybe even impossible for social media</p> <p>4 platforms to get the harm to zero?</p> <p>5 A. Yes.</p> <p>6 Q. Does that mean that they shouldn't do</p> <p>7 everything they can to try?</p> <p>8 A. They should do everything they can to try.</p> <p>9 The infrastructure that to this day Meta</p> <p>10 uses to stop spam came from a meeting where I said</p> <p>11 we need to have zero spam and zero false positives</p> <p>12 in the knowledge that that was an impossible goal.</p> <p>13 But my goal was to get the team thinking</p> <p>14 about what would you build if the goal was to have</p> <p>15 zero unwanted advances. If the goal was to have</p> <p>16 zero for all of the meaningful areas of harm that</p> <p>17 we've covered. I believe that opens up a tremendous</p> <p>18 amount of room for innovation, and while you will</p> <p>19 never get to zero, that is how you have to think</p> <p>20 about it.</p> <p>21 Q. Is the fact that a social media platform</p> <p>22 like Instagram likely cannot get the harms to zero,</p> <p>23 why it is so important to be transparent and notify</p> <p>24 and warn the public and parents of the risks?</p> <p>25 A. Absolutely.</p>	<p style="text-align: right;">Page 1147</p> <p>1 (Whereupon, a brief recess was taken.)</p> <p>2 THE VIDEOGRAPHER: Time is 6:37. We're</p> <p>3 back on the record.</p> <p>4 MR. CARTMELL: Mr. Bejar, thank you very</p> <p>5 much for your time.</p> <p>6 EXAMINATION</p> <p>7 BY MR. PHELPS:</p> <p>8 Q. Hello again, Mr. Bejar.</p> <p>9 A. Hello.</p> <p>10 Q. Brian Phelps, State of Tennessee. How are</p> <p>11 you this evening?</p> <p>12 A. I'm doing well, perhaps a little tired,</p> <p>13 but here to see this through.</p> <p>14 Q. Okay. You're ready to proceed with a</p> <p>15 little further questioning?</p> <p>16 A. Absolutely.</p> <p>17 Q. I'm just surprised as you are that we're</p> <p>18 going to have to talk about this in some depth.</p> <p>19 But you were repeatedly asked questions</p> <p>20 about your and my relationship by the lawyers for</p> <p>21 Meta; is that true?</p> <p>22 A. Yes.</p> <p>23 Q. Was the first time we met when I collected</p> <p>24 your sworn statement in May of 2023?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 1146</p> <p>1 Q. And based on your experience at Meta, were</p> <p>2 they even trying to get the harms on Instagram to</p> <p>3 zero?</p> <p>4 MS. JONES: Objection. Foundation.</p> <p>5 THE WITNESS: They were not.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. And were they warning parents and the</p> <p>8 public of the substantial risks and harms that kids</p> <p>9 were undergoing on Instagram?</p> <p>10 A. They were not.</p> <p>11 Q. You went public with your opinions and</p> <p>12 have you suffered ramifications for that?</p> <p>13 A. Yes.</p> <p>14 Q. Will you have work in the technology</p> <p>15 industry again?</p> <p>16 A. I don't think so.</p> <p>17 Q. Do you stand by your opinions that you've</p> <p>18 given?</p> <p>19 A. Absolutely.</p> <p>20 Q. And do you regret that you went public</p> <p>21 with what you found?</p> <p>22 A. Never.</p> <p>23 MR. CARTMELL: That's all I have.</p> <p>24 THE VIDEOGRAPHER: Good to go off?</p> <p>25 Time is 6:32. We're off the record. 0</p>	<p style="text-align: right;">Page 1148</p> <p>1 Q. And is it your understanding that that</p> <p>2 sworn statement was obtained under Tennessee law</p> <p>3 because in my role as an Assistant Attorney General</p> <p>4 I was part of an investigation into whether Meta had</p> <p>5 violated the Tennessee Consumer Protection Act?</p> <p>6 A. Yes.</p> <p>7 Q. And is it your understanding or your</p> <p>8 memory that I also attended sworn testimony that you</p> <p>9 offered to the judiciary committee of the United</p> <p>10 States Senate?</p> <p>11 A. Yes.</p> <p>12 Q. That hearing was open to the public?</p> <p>13 A. Yes.</p> <p>14 Q. Anyone was welcome to attend that hearing,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. You and I didn't communicate in advance of</p> <p>18 that hearing?</p> <p>19 A. No.</p> <p>20 Q. I did not prepare you?</p> <p>21 A. No.</p> <p>22 Q. I think you testified earlier that we had</p> <p>23 a friendly hello after the hearing and then we went</p> <p>24 our separate ways, right?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">Page 1149</p> <p>1 Q. And before the judiciary committee you 2 offered testimony that would be relevant and of 3 interest to the topics we've been discussing today, 4 right? 5 A. Yes. 6 Q. Okay. It would be important for someone 7 investigating or litigating against Meta to -- on 8 these topics to understand your testimony before the 9 judiciary committee, right? 10 MS. JONES: Excuse me. 11 Foundation. 12 Go ahead. 13 THE WITNESS: Yes. 14 BY MR. PHELPS: 15 Q. And from that time, in the fall of 2023, 16 you and I didn't meet in person again until we've 17 had the occasion to be here in this room for the 18 purposes of this deposition in April of 2025; is 19 that true? 20 A. It is. 21 Q. Okay. Other than your sworn statement in 22 the Tennessee investigation, the brief hello after 23 your judiciary committee testimony, and in this 24 deposition have we met in person on any on 25 occasions?</p>	<p style="text-align: right;">Page 1151</p> <p>1 MS. JONES: Sorry. 2 Objection. Foundation. 3 THE WITNESS: No. No, there's not 4 anything inappropriate. 5 BY MR. PHELPS: 6 Q. It's been an entirely professional 7 relationship related to Tennessee's investigation 8 and litigation against Meta? 9 A. Yes. 10 Q. You were asked some questions about an 11 attorney named Linda Singer. 12 Do you remember that? 13 A. Yes. 14 Q. Ms. Singer is not here today; is that 15 right? 16 A. Yes. 17 Q. Do you know if her client New Mexico is 18 participating in this deposition? 19 A. I do -- 20 MS. JONES: Hold on. 21 Objection. Foundation. 22 THE WITNESS: I do not know. 23 BY MR. PHELPS: 24 Q. Okay. And has Ms. Singer ever done 25 anything in her conversations with you, insofar as</p>
<p style="text-align: right;">Page 1150</p> <p>1 A. No. 2 Q. Okay. We haven't really had discussions 3 outside of those contexts, right? 4 A. Correct. 5 Q. Okay. And every time we've met or 6 communicated it's been in connection with my role as 7 an attorney in the consumer protection division, the 8 State of Tennessee, right? 9 A. Correct. 10 Q. And you understand the work I've been 11 doing is in coordination with other states and in 12 some circumstances, lawyers representing schools, 13 districts, or individuals who are either 14 investigating or suing Meta, right? 15 MS. JONES: Excuse me. 16 Objection. Form. Foundation. 17 THE WITNESS: Yes. 18 BY MR. PHELPS: 19 Q. Okay. And in those discussions, have I 20 ever done anything but encourage you to tell the 21 truth? 22 A. No. 23 Q. Is there anything inappropriate about the 24 discussions we've had, in your view? 25 A. No.</p>	<p style="text-align: right;">Page 1152</p> <p>1 you've had conversations, other than encourage you 2 to tell the truth? 3 A. Sorry, could you ask the question again? 4 Q. Have you ever had conversations with 5 Ms. Singer? 6 A. Yes. 7 Q. Has she ever done anything other than 8 encourage you to tell the truth? 9 A. No, she's never done anything other than 10 that. 11 Q. Okay. Has any lawyer representing any 12 state ever done anything other than ask you 13 questions and encourage you to tell the truth in 14 response to those questions? 15 A. No. 16 Q. Okay. Do you understand that many State 17 Attorneys General have the authority or 18 responsibility to enforce consumer protection laws 19 in their states? 20 MS. JONES: Objection. Foundation. 21 THE WITNESS: Yes. 22 BY MR. PHELPS: 23 Q. And they do that work on behalf of the 24 citizens of their states who they serve, right? 25 MS. JONES: Same objection. Foundation.</p>

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<p style="text-align: right;">Page 1153</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. PHELPS:</p> <p>3 Q. Okay. Do you think that's a worthy</p> <p>4 mission?</p> <p>5 A. Yes.</p> <p>6 MS. JONES: Hold on.</p> <p>7 Same objection. Foundation.</p> <p>8 BY MR. PHELPS:</p> <p>9 Q. Okay. And in terms of their</p> <p>10 interaction -- your interactions -- let me withdraw</p> <p>11 and rephrase it.</p> <p>12 Reflecting on the totality of the</p> <p>13 interactions you've had with members of the State</p> <p>14 Attorney General community, do you have the view</p> <p>15 that the lawyers representing the states are simply</p> <p>16 doing their job by talking to you as a person with</p> <p>17 information relevant to their claims against Meta?</p> <p>18 MS. JONES: Objection. Foundation.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. PHELPS:</p> <p>21 Q. Okay. And that would be true for lawyers</p> <p>22 representing individuals who have been harmed by</p> <p>23 Meta's products?</p> <p>24 A. Yes.</p> <p>25 Q. And that would be true of lawyers</p>	<p style="text-align: right;">Page 1155</p> <p>1 question? It's not registering on my realtime. I</p> <p>2 didn't hear it.</p> <p>3 MR. PHELPS: Are you able to read it back,</p> <p>4 Elaina, or would you like me to -- sorry.</p> <p>5 Let me -- don't worry about it.</p> <p>6 Q. You made best efforts based on your</p> <p>7 experience to use a sound and reliable methodology</p> <p>8 to collect videos relating to teen safety on</p> <p>9 Instagram?</p> <p>10 A. Yes.</p> <p>11 MR. PHELPS: Okay. And let's just pull up</p> <p>12 Exhibit 15, Jim.</p> <p>13 (Whereupon, Meta-Bejar Exhibit 15 having</p> <p>14 been previously marked, was introduced.)</p> <p>15 MR. PHELPS: I'll -- as he does that, this</p> <p>16 is one of the more disturbing videos that we</p> <p>17 watched. I'm not going to subject you or the jury</p> <p>18 to the full thing. I just want to ask you a</p> <p>19 question or two so let's just watch 45 seconds or a</p> <p>20 minute of this, Jim. I'll tell you when to stop.</p> <p>21 Are we getting audio?</p> <p>22 (Video playing.)</p> <p>23 MS. JONES: Let me just make the same</p> <p>24 objection that I've made to the earlier use of these</p> <p>25 videos is --</p>
<p style="text-align: right;">Page 1154</p> <p>1 representing school districts who have claims of a</p> <p>2 similar nature?</p> <p>3 A. Yes.</p> <p>4 Q. Like Mr. Cartmell, I'm going to jump</p> <p>5 around a little bit. So transition to a different</p> <p>6 topic.</p> <p>7 You were asked a lot of questions about</p> <p>8 the methodology you applied in collecting some of</p> <p>9 the videos that were used in this deposition.</p> <p>10 Do you recall that?</p> <p>11 A. Yes.</p> <p>12 Q. And there's really no such thing as a</p> <p>13 perfect methodology.</p> <p>14 Would you agree with that statement?</p> <p>15 MS. JONES: Excuse me.</p> <p>16 Objection to the form. Foundation.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. PHELPS:</p> <p>19 Q. Okay. But in spite of that you made best</p> <p>20 efforts based on your significant experience to use</p> <p>21 a sound methodology to collect videos and</p> <p>22 information relating to the topic of safety on</p> <p>23 Instagram, right?</p> <p>24 MS. JONES: I'm so sorry, Counsel, I</p> <p>25 didn't hear. Would you mind just repeating the</p>	<p style="text-align: right;">Page 1156</p> <p>1 (Whereupon, a brief discussion off the</p> <p>2 record.)</p> <p>3 MS. JONES: Let me make the same objection</p> <p>4 I've made earlier to the use of these videos both</p> <p>5 because they are out of context and also because</p> <p>6 they are not the product of a reliable expert</p> <p>7 process.</p> <p>8 Go ahead.</p> <p>9 BY MR. PHELPS:</p> <p>10 Q. That clip we saw contains upsetting image</p> <p>11 and videos. Would you agree?</p> <p>12 A. Yes.</p> <p>13 Q. And if you recall, we -- we could go on</p> <p>14 and there's more and more upsetting material if we</p> <p>15 were to keep watching that, right?</p> <p>16 A. Correct.</p> <p>17 Q. And we're not going to do that in the</p> <p>18 interest of time.</p> <p>19 But would you agree with me that by</p> <p>20 whatever methodology one might use, Instagram</p> <p>21 should -- let me withdraw that.</p> <p>22 Would you agree with me based on your</p> <p>23 experience in the domain of child online safety that</p> <p>24 whatever methodology used, Instagram should not be</p> <p>25 feeding that series of Reels to 13-year-old girls?</p>

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<p style="text-align: right;">Page 1157</p> <p>1 A. Absolutely.</p> <p>2 Q. I think in that video we saw images of</p> <p>3 masturbation?</p> <p>4 A. Yes.</p> <p>5 Q. Ejaculation?</p> <p>6 A. Yes.</p> <p>7 Q. If we would continue we'd see various</p> <p>8 sexual acts being suggested or intimated in some</p> <p>9 way?</p> <p>10 A. Correct.</p> <p>11 Q. Did you see any cooking videos?</p> <p>12 A. No.</p> <p>13 Q. Any videos about basketball?</p> <p>14 A. No.</p> <p>15 Q. Any videos about bunnies?</p> <p>16 A. No.</p> <p>17 Q. Any videos about pandas?</p> <p>18 A. No.</p> <p>19 Q. Any videos about kittens?</p> <p>20 A. No.</p> <p>21 Q. Okay. And that's a Reel -- a series of</p> <p>22 Reels that Instagram delivered to an account that</p> <p>23 was set up as a 13-year-old girl, right?</p> <p>24 A. Correct.</p> <p>25 Q. Do you think parents should be informed</p>	<p style="text-align: right;">Page 1159</p> <p>1 Go ahead.</p> <p>2 BY MR. PHELPS:</p> <p>3 Q. Based on your experience as an online</p> <p>4 safety professional, which of those two sets of data</p> <p>5 would be more valuable to parents trying to assess</p> <p>6 the safety of Instagram?</p> <p>7 MS. JONES: Excuse me.</p> <p>8 Same objection. Foundation.</p> <p>9 THE WITNESS: BEEF.</p> <p>10 BY MR. PHELPS:</p> <p>11 Q. Why?</p> <p>12 A. Because BEEF captures the likelihood that</p> <p>13 their kid will be experiencing the harms that are</p> <p>14 covered by it.</p> <p>15 Q. And by putting out the community standards</p> <p>16 enforcement reports, but not the BEEF results or a</p> <p>17 derivative thereof, do you believe Instagram -- or</p> <p>18 Meta is -- is misleading the public about the safety</p> <p>19 of the Instagram platform?</p> <p>20 MS. JONES: Objection. Foundation.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. PHELPS:</p> <p>23 Q. Next topic.</p> <p>24 Have you noticed a pattern where the</p> <p>25 company tends to try to discredit people</p>
<p style="text-align: right;">Page 1158</p> <p>1 that that's how the Instagram application operates?</p> <p>2 (Whereupon, a brief discussion off the</p> <p>3 record.)</p> <p>4 BY MR. PHELPS:</p> <p>5 Q. Do you think parents should be informed</p> <p>6 that that's how the Instagram application operates?</p> <p>7 MS. JONES: Objection. Foundation. And</p> <p>8 characterization.</p> <p>9 THE WITNESS: Absolutely.</p> <p>10 BY MR. PHELPS:</p> <p>11 Q. Do you know if parents have been informed</p> <p>12 of that?</p> <p>13 A. They have not.</p> <p>14 Q. Switching topics, I recalled you testified</p> <p>15 in your discussions with Ms. Jones that both the</p> <p>16 community standards enforcement reports, or CSER,</p> <p>17 and BEEF, I think you said have utility?</p> <p>18 A. Yes.</p> <p>19 Q. As between the two, do you have a view on</p> <p>20 which set of data would be more valuable to parents</p> <p>21 who are trying to assess the safety of the Instagram</p> <p>22 platform?</p> <p>23 A. Yes.</p> <p>24 MS. JONES: Hold on.</p> <p>25 Objection. Foundation.</p>	<p style="text-align: right;">Page 1160</p> <p>1 particularly in this area of online safety whose</p> <p>2 work might be inconvenient for the company?</p> <p>3 MS. JONES: Objection to the form. And</p> <p>4 foundation.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. PHELPS:</p> <p>7 Q. For instance, do I recall your testimony</p> <p>8 earlier in this information that it was your view</p> <p>9 that the company threw its own researchers under the</p> <p>10 bus after there was Wall Street Journal reporting</p> <p>11 some internal research that it's made its way into</p> <p>12 the public?</p> <p>13 MS. JONES: Objection. Foundation.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. PHELPS:</p> <p>16 Q. And the company threw those researchers</p> <p>17 under the bus, in your view, even though the company</p> <p>18 itself hired those folks and directed them to</p> <p>19 perform their research at issue, right?</p> <p>20 MS. JONES: Objection. Foundation.</p> <p>21 Characterization.</p> <p>22 THE WITNESS: Directed the research,</p> <p>23 evaluated it, published it internally, yes.</p> <p>24 BY MR. PHELPS:</p> <p>25 Q. Do you feel that the company has sought to</p>

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<p style="text-align: right;">Page 1161</p> <p>1 discredit you for offering opinions that the company 2 thinks are inconvenient? 3 MS. JONES: Objection. Characterization. 4 And foundation. 5 THE WITNESS: Yes. 6 BY MR. PHELPS: 7 Q. Do you feel like the company has tried to 8 minimize your standing within the company in your 9 relationships with Meta executives? 10 A. Yes. 11 MS. JONES: Excuse me. 12 Same objection. Characterization. And 13 lacks foundation. 14 BY MR. PHELPS: 15 Q. Do you think Meta has tried to discredit 16 or undermine the role you had at Instagram between 17 2019 and 2021? 18 MS. JONES: Same objections. 19 THE WITNESS: Yes. 20 BY MR. PHELPS: 21 Q. Do you feel that the company has tried to 22 discredit the value of the work you performed for 23 Instagram between 2019 and 2021? 24 MS. JONES: Same objections. 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 1163</p> <p>1 (Whereupon, a brief recess was taken.) 2 THE VIDEOGRAPHER: Time is 7:02. We're 3 back on the record. 4 EXAMINATION 5 BY MS. JONES: 6 Q. Mr. Bejar, nice to see you again, it's not 7 been all that long, I suppose. 8 Let me just ask a few follow-up questions 9 on the questions you were asked by counsel. I will 10 probably be also jumping around a little bit. 11 Counsel showed again Exhibit Number 15, 12 which is the video from one of the sessions that you 13 ran as part of your testing exercise; is that 14 correct? 15 A. Yes. 16 Q. Okay. And he asked you about the fact 17 that in those videos you didn't see basketball games 18 or kittens or pandas, right? 19 A. Yes. 20 Q. And isn't it the case that part of the 21 reason that you didn't necessarily see those things 22 is because as part of your testing you focused on 23 violent or sexual ad content? 24 A. For that set of videos, yes. 25 Q. You were asked a number of questions about</p>
<p style="text-align: right;">Page 1162</p> <p>1 BY MR. PHELPS: 2 Q. Do you feel the company has tried to 3 discredit or undermine your longstanding career in 4 the domain of online safety? 5 MS. JONES: Same objections. 6 THE WITNESS: Yes. 7 BY MR. PHELPS: 8 Q. Do you think this strategy is done in part 9 to disincentivize others within the company -- let 10 me withdraw that and rephrase it. 11 Do you think that this is done, in part, 12 to dissuade Meta's employees from speaking out? 13 MS. JONES: Objection. Vague. 14 Characterization. Foundation. 15 THE WITNESS: Yes. 16 BY MR. PHELPS: 17 Q. And is that consistent with a company 18 culture that prioritizes user safety above all else? 19 MS. JONES: Same objections. 20 THE WITNESS: Categorically not. 21 MR. PHELPS: I do not have anything else 22 right now and I really appreciate your time over the 23 last three days. 24 THE VIDEOGRAPHER: Time is 6:54. We're 25 off the record.</p>	<p style="text-align: right;">Page 1164</p> <p>1 your connections with the Tennessee AG's Office and 2 other State AG Offices. 3 Do you recall that? 4 A. Yes. 5 Q. And just so that we're clear, you have had 6 communications with Mr. Phelps and others from State 7 AG Offices all over the country since at least as 8 early as 2023; is that fair to say? 9 A. Yes. 10 Q. And in the -- the month leading up to your 11 deposition this week you testified that you spent 10 12 to 20 hours communicating with the lawyers who have 13 asked you questions on behalf of the plaintiffs, 14 right? 15 A. Yes. 16 Q. And the testimony that you just 17 communicated was all you were told was you needed to 18 tell the truth, right? 19 A. Yes. 20 Q. And you knew before you had 10 to 20 hours 21 of time with lawyers that you needed to tell the 22 truth in the context of this deposition, right? 23 A. I knew that from my meetings with Meta 24 lawyers prior to my FTC deposition. 25 Q. Sure.</p>

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<p style="text-align: right;">Page 1165</p> <p>1 And you just knew that as a person in the</p> <p>2 world, that it was important to be honest in your</p> <p>3 testimony, right?</p> <p>4 A. Yes.</p> <p>5 Q. You wouldn't have needed to spend 10 to</p> <p>6 20 hours on -- in discussions with plaintiffs'</p> <p>7 counsel in the month before your deposition just to</p> <p>8 have them say be sure you tell the truth, right?</p> <p>9 MR. CARTMELL: Object to the form.</p> <p>10 THE WITNESS: No, I did not need to meet</p> <p>11 with them for them to tell me that.</p> <p>12 BY MS. JONES:</p> <p>13 Q. Right. And that's because the 10 to</p> <p>14 20 hours that you spent with counsel before you came</p> <p>15 and testified in your deposition, you spent doing</p> <p>16 things more than just having them say tell the</p> <p>17 truth, right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Let me ask you to pull up Exhibit</p> <p>20 Number 81, which I think Mr. Cartmell marked during</p> <p>21 his examination.</p> <p>22 And I'm going to ask you to focus on</p> <p>23 page 2 of this document, please, Mr. Bejar.</p> <p>24 A. Yes.</p> <p>25 Q. And the very bottom -- this is the same</p>	<p style="text-align: right;">Page 1167</p> <p>1 said -- I said I want to talk to you about a portion</p> <p>2 that counsel did not focus on.</p> <p>3 MR. CARTMELL: No, you said that counsel</p> <p>4 did not show you, but --</p> <p>5 MS. JONES: I'm pretty sure I --</p> <p>6 MR. CARTMELL: -- I actually read --</p> <p>7 MS. JONES: Well, I don't want to -- okay.</p> <p>8 MR. CARTMELL: Okay. So I'm going to</p> <p>9 object to whatever you said.</p> <p>10 MS. JONES: Hold on a second.</p> <p>11 MR. CARTMELL: You can start over.</p> <p>12 MS. JONES: I'll start over again.</p> <p>13 MR. CARTMELL: Okay.</p> <p>14 MS. JONES: I'm pretty sure you're not</p> <p>15 correct about what I said but I will certainly start</p> <p>16 over again if it will move us along.</p> <p>17 Q. I want to show you a portion of this</p> <p>18 e-mail that counsel did not focus on with you, okay?</p> <p>19 MR. CARTMELL: Object to the form.</p> <p>20 THE WITNESS: I thought he did focus on</p> <p>21 it. But you're showing me a portion of this e-mail.</p> <p>22 BY MS. JONES:</p> <p>23 Q. Okay. And you realized that he had</p> <p>24 focused on it after he just said on the record that</p> <p>25 he had focused on it.</p>
<p style="text-align: right;">Page 1166</p> <p>1 e-mail that you were asked about -- on September</p> <p>2 the 18th of 2019.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And this is an e-mail from you, Arturo</p> <p>6 Bejar, to [REDACTED] at Facebook, right?</p> <p>7 A. Yes.</p> <p>8 Q. And down at the very bottom the of page I</p> <p>9 want to focus on actually an element of this e-mail</p> <p>10 that you were not shown by counsel just a few</p> <p>11 minutes ago.</p> <p>12 You see that paragraph that begins with,</p> <p>13 "So, the issue here is"?</p> <p>14 A. Yes.</p> <p>15 Q. It says, "So, the issue here is that I'm</p> <p>16 being hired as a subject matter expert on issues</p> <p>17 that relate to Facebook's business" -- and this is</p> <p>18 the part I want to focus on -- "and I agree</p> <p>19 100 percent that what I discuss with</p> <p>20 Facebook/Instagram about their platform is</p> <p>21 confidential."</p> <p>22 Do you see that?</p> <p>23 MR. CARTMELL: Hold on.</p> <p>24 I actually read that sentence, so...</p> <p>25 MS. JONES: Excuse me, Counsel. You</p>	<p style="text-align: right;">Page 1168</p> <p>1 Is that when you realized that?</p> <p>2 A. No, I recall him showing me and reading</p> <p>3 out this paragraph.</p> <p>4 Q. Okay. Do you recall actually being asked</p> <p>5 any questions by counsel about this portion of the</p> <p>6 e-mail where it says you agreed "100 percent that</p> <p>7 what I discuss with Facebook/Instagram about their</p> <p>8 platform is confidential"?</p> <p>9 MS. JONES: Object to the form.</p> <p>10 Mischaracterizes.</p> <p>11 THE WITNESS: Sorry, what was the</p> <p>12 question?</p> <p>13 BY MS. JONES:</p> <p>14 Q. Did counsel ask you any questions about</p> <p>15 the portion of this e-mail where you said "I agree</p> <p>16 100 percent that what I discuss with</p> <p>17 Facebook/Instagram about their platform is</p> <p>18 confidential"?</p> <p>19 MR. CARTMELL: Same objections.</p> <p>20 THE WITNESS: I don't recall any questions</p> <p>21 about that part.</p> <p>22 BY MS. JONES:</p> <p>23 Q. Okay. Well, I want to ask you a couple of</p> <p>24 questions about it.</p> <p>25 Was it the case that you understood when</p>

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<p style="text-align: right;">Page 1169</p> <p>1 you came back to the company in 2019 that you had 2 certain confidentiality obligations? 3 A. Yes. 4 Q. And in connection with your testimony 5 before Congress, did you provide documents from the 6 company's files to the congressional committee? 7 MR. CARTMELL: Scope. 8 THE WITNESS: I provided documents that I 9 had been acquainted with during my time at the 10 company. 11 BY MS. JONES: 12 Q. And how did you come to have those 13 documents two years after your consulting 14 arrangement had ended in 2023? 15 MR. CARTMELL: Hold on. 16 I'm going to object to the scope of all of 17 this. It's outside of our questioning. 18 MS. JONES: First of all, it's connected 19 with an exhibit that you marked. Second of all, 20 your objection is noted. 21 Q. How was it that you came to have documents 22 from within the company two years after your 23 consulting arrangement had ended in 2021? 24 MR. CARTMELL: Same objection. 25 THE WITNESS: I asked friends if they had</p>	<p style="text-align: right;">Page 1171</p> <p>1 MR. CARTMELL: Same objection. 2 THE WITNESS: Again, I don't think that's 3 an accurate way of describing it. I mean, the 4 documents that I gave were documents that I had 5 access to during my time at the company. 6 But at the time I left the company, I 7 returned all the equipment and the documents, other 8 than the documents that I found that I had kept a 9 copy of which were part of the subpoena that I gave 10 to -- to -- 11 MR. CARTMELL: This is all outside the 12 scope. 13 MS. JONES: Yeah, your objection has been 14 noted. 15 MR. CARTMELL: Well, I don't know that you 16 just get to keep doing it because we're here when 17 you're getting into things that none of us even 18 talked about. We've been here for three days. It's 19 now 7:10 p.m. And you've decided to ask the witness 20 questions that have nothing to do with, you know, 21 with what our redirects were, so... 22 MS. JONES: Well, you -- 23 MR. PHELPS: Or, frankly, the merits of 24 the case. 25 MR. CARTMELL: Yeah.</p>
<p style="text-align: right;">Page 1170</p> <p>1 kept documents from their time during the company or 2 if -- what they were in the machines that they had. 3 BY MS. JONES: 4 Q. I'm not sure I understand what that means. 5 Who are the friends you're talking about? 6 MR. CARTMELL: Same objection. Outside 7 the scope. 8 THE WITNESS: I don't recall. 9 BY MS. JONES: 10 Q. And what did you ask your friends exactly? 11 MR. CARTMELL: Same objection. Outside 12 the scope. 13 THE WITNESS: If they had a copy of the 14 e-mail I had sent to Mark. 15 BY MS. JONES: 16 Q. And the documents that you provided to 17 Congress were not just a copy of the e-mail that you 18 had sent to Mr. Zuckerberg, right? 19 MR. CARTMELL: Same objection. Outside 20 the scope. 21 THE WITNESS: That is correct. 22 BY MS. JONES: 23 Q. You had given to Congress hundreds of 24 pages of documents that you had access to by virtue 25 of your time at the company as a consultant, right?</p>	<p style="text-align: right;">Page 1172</p> <p>1 MS. JONES: Okay. Are you done? Are you 2 done? Are both of you done? 3 MR. CARTMELL: I'm done. 4 Q. Okay. Let me hand you what's been marked 5 as Deposition Exhibit Number 85. 6 (Whereupon, Meta-Bejar Exhibit 85 was 7 marked for identification.) 8 BY MS. JONES: 9 Q. Do you recognize Deposition Exhibit 10 Number 85, Mr. Bejar? 11 A. Yes. 12 Q. Okay. And Deposition Number -- excuse me. 13 Deposition Exhibit Number 85 is a set of 14 documents that you made available to Congress in 15 2023; is that right? 16 MR. CARTMELL: Objection. Outside the 17 scope. 18 THE WITNESS: Yes. 19 BY MS. JONES: 20 Q. How did you come to have the -- and just 21 flipping through it, this is hundreds of pages of 22 documents, right? 23 MR. CARTMELL: Objection. Outside the 24 scope. 25 THE WITNESS: Going through them.</p>

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<p style="text-align: right;">Page 1173</p> <p>1 BY MS. JONES:</p> <p>2 Q. And it's fine, Mr. Bejar, I'm not going to</p> <p>3 make you count the number of pages. Let me ask my</p> <p>4 next -- the record will include the documents</p> <p>5 themselves.</p> <p>6 MR. CARTMELL: Are you withdrawing that</p> <p>7 question?</p> <p>8 MS. JONES: I am withdrawing the question.</p> <p>9 Q. Let me ask you my next question.</p> <p>10 On the first page of Deposition Exhibit --</p> <p>11 actually, it's pages 1 through 4, there is kind of a</p> <p>12 cover summary to Deposition Exhibit Number 85; is</p> <p>13 that right?</p> <p>14 A. Yes.</p> <p>15 MR. CARTMELL: Objection. Outside the</p> <p>16 scope.</p> <p>17 BY MS. JONES:</p> <p>18 Q. Is that something you prepared?</p> <p>19 MR. CARTMELL: Objection. Outside the</p> <p>20 scope.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. JONES:</p> <p>23 Q. And how was it that you still had access</p> <p>24 to these documents at Deposition Exhibit Number 85</p> <p>25 two years after your consulting agreement --</p>	<p style="text-align: right;">Page 1175</p> <p>1 sourced by friends who I asked if they had kept</p> <p>2 e-mail that I had talked about with Mark Zuckerberg.</p> <p>3 And when I asked that question it turns out that</p> <p>4 some of these people had other documents and they</p> <p>5 provided me with those.</p> <p>6 BY MS. JONES:</p> <p>7 Q. And then you put those all together and</p> <p>8 you turned them over to Congress; is that right?</p> <p>9 MR. CARTMELL: Same objection.</p> <p>10 THE WITNESS: Correct.</p> <p>11 BY MS. JONES:</p> <p>12 Q. Did you consider that at the time,</p> <p>13 Mr. Bejar, to be a violation of any confidentiality</p> <p>14 agreement that you had with the company?</p> <p>15 MR. CARTMELL: Same objection.</p> <p>16 THE WITNESS: I considered that I had a</p> <p>17 responsibility to bring this issue to light to</p> <p>18 society. And so that's what I did.</p> <p>19 BY MS. JONES:</p> <p>20 Q. Have you ever formally sought</p> <p>21 whistleblower status?</p> <p>22 MR. CARTMELL: Same objection.</p> <p>23 THE WITNESS: No.</p> <p>24 MR. CARTMELL: Outside the scope.</p> <p>25 MR. WARD: Calls for a legal conclusion.</p>
<p style="text-align: right;">Page 1174</p> <p>1 MR. CARTMELL: Same objection.</p> <p>2 BY MS. JONES:</p> <p>3 Q. -- was over with the company?</p> <p>4 MR. CARTMELL: Sorry, sorry. I talked.</p> <p>5 Say it again because --</p> <p>6 MS. JONES: Honestly, I just -- it's just</p> <p>7 white noise at this point.</p> <p>8 MR. CARTMELL: Same here.</p> <p>9 MS. JONES: Let me ask the question again.</p> <p>10 Q. How was it that you still had access to</p> <p>11 these documents that we've marked as Deposition</p> <p>12 Exhibit Number 85 two years after your consulting</p> <p>13 agreement and even more years after you had</p> <p>14 acknowledged in an e-mail that counsel walked</p> <p>15 through with you where you said I recognize that</p> <p>16 Facebook's information is confidential?</p> <p>17 MR. CARTMELL: Objection. Outside the</p> <p>18 scope.</p> <p>19 THE WITNESS: It was a combination of</p> <p>20 things. Some of the documents have come from the</p> <p>21 Facebook files. Some of the documents there were</p> <p>22 published. So might have come from the Wayback</p> <p>23 Machine. Or copies that I had kept on some of the</p> <p>24 presentations that were given.</p> <p>25 And then some of the documents were</p>	<p style="text-align: right;">Page 1176</p> <p>1 BY MS. JONES:</p> <p>2 Q. Well, you've already said no. Was that</p> <p>3 your answer?</p> <p>4 MR. CARTMELL: Same objection.</p> <p>5 MR. WARD: I'm going to direct him not to</p> <p>6 answer. It calls for a legal conclusion and</p> <p>7 it invades his consultations with counsel.</p> <p>8 BY MS. JONES:</p> <p>9 Q. Well, my question -- I don't want to hear</p> <p>10 about any conversations you had with Mr. Ward, okay?</p> <p>11 A. Correct.</p> <p>12 Q. Yes?</p> <p>13 A. Yes.</p> <p>14 Q. My question is, have you ever gone to any</p> <p>15 governmental entity and asked for whistleblower</p> <p>16 status?</p> <p>17 MR. CARTMELL: Same objection. Outside</p> <p>18 the scope.</p> <p>19 THE WITNESS: I have not.</p> <p>20 BY MS. JONES:</p> <p>21 Q. You testified just a moment ago, I think</p> <p>22 it was when Mr. Phelps was asking you questions,</p> <p>23 that the BEEF survey captures the likelihood that a</p> <p>24 kid will be affected by the harms that are reflected</p> <p>25 in that survey. Is that what you said?</p>

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<p style="text-align: right;">Page 1177</p> <p>1 A. Yes.</p> <p>2 Q. Isn't the BEEF survey, in fact, a</p> <p>3 backward-looking assessment of the amount of harms</p> <p>4 during a seven-day period?</p> <p>5 A. Yes, it was consistent with TRIPS and</p> <p>6 similar surveys that had gone for a long period of</p> <p>7 time.</p> <p>8 Q. Understood. Okay.</p> <p>9 Let me ask you about Deposition Exhibit</p> <p>10 Number 82 which Mr. Cartmell marked with you.</p> <p>11 Do you have that in front of you?</p> <p>12 A. I have 81.</p> <p>13 MR. WARD: You said 82?</p> <p>14 MS. JONES: 82.</p> <p>15 Q. And I'm going to ask you to go back to the</p> <p>16 page that were you discussing with counsel. It's at</p> <p>17 dot 5 of that document, please.</p> <p>18 And up at the top counsel was asking you a</p> <p>19 number of questions about what Mr. [REDACTED] had</p> <p>20 written on October 13, 2021, at 9:20.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And I just want to be very clear for the</p> <p>24 jury, would you defer to what Mr. [REDACTED] has had to</p> <p>25 say about what he thought and meant at the time that</p>	<p style="text-align: right;">Page 1179</p> <p>1 BY MS. JONES:</p> <p>2 Q. Sure. I'm not trying to put words in your</p> <p>3 mouth. I'm just trying to make sure I understand</p> <p>4 what your testimony is on this topic.</p> <p>5 You know Mr. [REDACTED] I think we talked</p> <p>6 about this yesterday, has been deposed in these</p> <p>7 cases. You know that?</p> <p>8 A. I know that now.</p> <p>9 Q. Okay. And I know this -- I know</p> <p>10 Mr. Cartmell is going to have something to say about</p> <p>11 this, but you have not read that testimony, right?</p> <p>12 MR. CARTMELL: Well, that's been asked and</p> <p>13 answered. And it's inappropriate for the same</p> <p>14 reasons that counsel knows that there is a</p> <p>15 protective order in place that would not allow him</p> <p>16 to do so. So I think it's entirely inappropriate</p> <p>17 for counsel to ask.</p> <p>18 MS. JONES: Okay. And I disagree with the</p> <p>19 characterization of what I know. But in any event.</p> <p>20 Q. You have not reviewed Mr. [REDACTED]</p> <p>21 testimony, right?</p> <p>22 MR. CARTMELL: Same objections.</p> <p>23 THE WITNESS: I have not.</p> <p>24 BY MS. JONES:</p> <p>25 Q. Okay. And, Mr. Bejar, you testified --</p>
<p style="text-align: right;">Page 1178</p> <p>1 we've been talking about --</p> <p>2 MR. CARTMELL: Objection.</p> <p>3 BY MS. JONES:</p> <p>4 Q. -- with respect to Instagram Well-Being</p> <p>5 efforts?</p> <p>6 MR. CARTMELL: Sorry. You want to do it</p> <p>7 again?</p> <p>8 MS. JONES: Sure.</p> <p>9 Q. Mr. Bejar, would you defer to what</p> <p>10 Mr. [REDACTED] has had to say about what he thought and</p> <p>11 meant at the time, the time period we've been</p> <p>12 talking about with respect to Instagram Well-Being</p> <p>13 efforts?</p> <p>14 MR. CARTMELL: Objection. Asked and</p> <p>15 answered. And I think it's improper asking one</p> <p>16 witness to defer to another.</p> <p>17 THE WITNESS: I believe I've answered that</p> <p>18 question multiple times.</p> <p>19 BY MS. JONES:</p> <p>20 Q. And it sounds like you're not prepared to</p> <p>21 say that you would defer to Mr. [REDACTED] is that</p> <p>22 right?</p> <p>23 MR. CARTMELL: Same objections.</p> <p>24 THE WITNESS: Sorry, you're putting words</p> <p>25 in my mouth. Can you repeat?</p>	<p style="text-align: right;">Page 1180</p> <p>1 We can take that down, Mr. Reynolds.</p> <p>2 You testified, I believe, at the</p> <p>3 conclusion of Mr. Cartmell's examination that you</p> <p>4 will never work in the tech industry again.</p> <p>5 Did I hear that correctly?</p> <p>6 A. That nobody in the tech industry will hire</p> <p>7 me.</p> <p>8 Q. Have you actively sought out employment</p> <p>9 since you left -- and by -- let me be more clear.</p> <p>10 Have you actively sought out a full-time</p> <p>11 employment role since you left Meta in 2015?</p> <p>12 A. I have not.</p> <p>13 Q. And as I think you've already told us, you</p> <p>14 have had the good fortune of not having to work,</p> <p>15 right?</p> <p>16 MR. CARTMELL: Objection. Asked and</p> <p>17 answered.</p> <p>18 THE WITNESS: I've already answered that.</p> <p>19 Yes.</p> <p>20 BY MS. JONES:</p> <p>21 Q. Okay. And that's because as a function of</p> <p>22 being at the company, both Yahoo! and Meta, you have</p> <p>23 become independently wealthy, right?</p> <p>24 MR. CARTMELL: Same objection.</p> <p>25 THE WITNESS: Correct.</p>

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<p style="text-align: right;">Page 1181</p> <p>1 BY MS. JONES: 2 Q. All right. And I think you testified to 3 this. But I want to be very clear. 4 You sold your shares in Meta in 2016, 5 right? 6 A. As soon as my divorce proceedings made it 7 possible for me to do that, that was the limiting 8 factor. 9 Q. Okay. And to the extent that you sold 10 your shares and were able to cash out on those 11 shares, you didn't give that money away in protest, 12 did you? 13 MR. PHELPS: Same objection. It's been 14 asked and answered. I think it's beyond the scope. 15 Harassing. 16 THE WITNESS: I agree. 17 No, this is money that I earned for work 18 that was very effective and I also had the luck of 19 being in that company during that period of time 20 because there's very talented people that I have 21 worked with who have not done as well because they 22 weren't at these companies during this periods of 23 time. 24 MS. JONES: Okay. And I'm going to move 25 to strike the comment at the beginning of your</p>	<p style="text-align: right;">Page 1183</p> <p>1 BY MS. JONES: 2 Q. Other than the documents that you've been 3 shown in the course of the last three days at your 4 deposition, including the e-mails that you sent to 5 Mr. Mosseri and Mr. Zuckerberg, is there any other 6 documentation of a formal written assessment that 7 you did of the safety of kids on Instagram? 8 MR. CARTMELL: Object to the form. 9 THE WITNESS: The e-mail I sent to Mark 10 was what I felt was most important during that 11 front. 12 BY MS. JONES: 13 Q. Okay. And there's no other -- I just want 14 to make sure there's nothing we are missing in terms 15 of the documentation. 16 There's no other documents that you're 17 aware of that constitutes, in your view, a full 18 assessment of the safety of kids on Instagram? 19 MR. CARTMELL: Same objection. 20 THE WITNESS: Not that I recall. 21 BY MS. JONES: 22 Q. Okay. And you -- I think during the 23 course of the deposition you've similarly referred 24 to having done an assessment of the tools on 25 Instagram?</p>
<p style="text-align: right;">Page 1182</p> <p>1 answer, "I agree," in response to counsel's 2 commentary. 3 Q. You testified, I think, I can't remember 4 if it was Mr. Cartmell or Mr. Phelps, but you 5 testified that you had done a full assessment of the 6 safety of kids on Instagram. 7 Did I hear that correctly? 8 MR. CARTMELL: Objection to the form. And 9 mischaracterizes. 10 MS. JONES: Well, I want -- if I 11 mischaracterized it, I want to be sure that I get it 12 right. 13 Q. Did you do a full assessment of the safety 14 of kids on Instagram when you were at the company 15 from 2019 to 2021? 16 MR. CARTMELL: Object to form. 17 THE WITNESS: We've covered extensively 18 over the last couple of days, I looked at features, 19 teams, resourcing, research, oversaw the survey, so 20 I think it was a pretty comprehensive view, the kind 21 that you can have as an independent contractor of 22 the well-being team and efforts surrounding kid and 23 teen safety that were within the team adjacent to 24 that. 25 ///</p>	<p style="text-align: right;">Page 1184</p> <p>1 MR. CARTMELL: This is beyond the scope. 2 THE WITNESS: Do you mean the safety 3 tools? 4 BY MS. JONES: 5 Q. Yes. 6 A. Yes. 7 Q. Is that written down anywhere? 8 A. Yes. 9 Q. And what is the writing that reflects 10 that? 11 A. So currently it's a spreadsheet that I 12 have put together where I listed all of the tools, 13 relevant links, categorized them, and wrote down 14 some observations about them. 15 Q. And is that the spreadsheet that I believe 16 was produced by your counsel recently? 17 A. Yes. 18 Q. When did you first create that? 19 A. Within the last month or so. 20 Q. Okay. So that was not an assessment of 21 safety tools that you did while you were at Meta 22 from 2019 to 2021, right? 23 A. That is correct. 24 Q. Okay. What we're talking about is a 25 spreadsheet that you put together in the lead up to</p>

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<p style="text-align: right;">Page 1185</p> <p>1 your deposition, right?</p> <p>2 A. Yes.</p> <p>3 Q. And was that during the course of the 10</p> <p>4 to 20 hours that you were spending talking to</p> <p>5 plaintiffs' counsel?</p> <p>6 MR. CARTMELL: Object to the form.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. JONES:</p> <p>9 Q. Was it during the same time frame that you</p> <p>10 were putting that together?</p> <p>11 A. I believe it started earlier.</p> <p>12 Q. Okay. And I think -- forgive me -- I</p> <p>13 think you did say this.</p> <p>14 But the company has -- you talked about</p> <p>15 it's hard to get harm to zero but you should try,</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. And you know that the company has</p> <p>19 continued to develop tools and features after you</p> <p>20 left in 2021?</p> <p>21 A. I know what has come out in the press</p> <p>22 releases including the list of tools that I tested.</p> <p>23 Q. Okay. And the -- just since you've</p> <p>24 mentioned this spreadsheet, what specifically was</p> <p>25 the test that you did to generate that spreadsheet?</p>	<p style="text-align: right;">Page 1187</p> <p>1 when I had a chance to ask you questions earlier,</p> <p>2 whether you would -- you had shown the jury data</p> <p>3 that showed that the application of your framework</p> <p>4 would reduce harm to teenagers relative to what</p> <p>5 Instagram was currently doing.</p> <p>6 Do you remember me asking you that?</p> <p>7 A. Yes. And I remembered, by the way, a very</p> <p>8 relevant example about that. After we spoke.</p> <p>9 Q. Sure.</p> <p>10 And my question is actually very specific,</p> <p>11 which is, during the additional questioning that</p> <p>12 Mr. Cartmell did and Mr. Phelps did of you, did</p> <p>13 either of them show you or, more importantly, the</p> <p>14 jury data that suggests or confirms that the</p> <p>15 framework that you've suggested would reduce harm to</p> <p>16 teenagers?</p> <p>17 MR. CARTMELL: Objection. Asked and</p> <p>18 answered.</p> <p>19 THE WITNESS: Sorry.</p> <p>20 MR. CARTMELL: It's beyond the scope.</p> <p>21 And I think you should be allowed to</p> <p>22 give -- answer the question and give the example you</p> <p>23 referred to.</p> <p>24 If not, I'll ask him.</p> <p>25 MS. JONES: Okay. Well, your objection is</p>
<p style="text-align: right;">Page 1186</p> <p>1 A. So what I did is I took -- across the</p> <p>2 different accounts that I had created earlier that</p> <p>3 have been covered, I looked at the feature, I read</p> <p>4 the press release, and then I opened the product in</p> <p>5 it's most up-to-date form and I tested the feature</p> <p>6 to see how it behaved.</p> <p>7 Q. And so the spreadsheet that you've</p> <p>8 referred to, that's part of this broader testing</p> <p>9 process that you have talked about?</p> <p>10 A. Yes.</p> <p>11 Q. And your -- the criticism -- one of the</p> <p>12 criticisms that I understand you to have made</p> <p>13 against the company in terms of trying -- not trying</p> <p>14 hard enough to get the harm to zero is that the</p> <p>15 company has not adopted the safety framework that</p> <p>16 you've described; is that right?</p> <p>17 MR. CARTMELL: Object to the form. And</p> <p>18 beyond the scope.</p> <p>19 THE WITNESS: That is one of the</p> <p>20 criticisms.</p> <p>21 I think the other one is that the set of</p> <p>22 safety tools is not effective at doing what the</p> <p>23 company claims they do.</p> <p>24 BY MS. JONES:</p> <p>25 Q. Okay. And you remember when I asked you</p>	<p style="text-align: right;">Page 1188</p> <p>1 noted.</p> <p>2 Q. You need to answer my question, please.</p> <p>3 Do you need me to read the question back?</p> <p>4 A. Yes, please.</p> <p>5 Q. And my question, as I mentioned, is very</p> <p>6 specific.</p> <p>7 During the additional questioning that</p> <p>8 Mr. Cartmell did and Mr. Phelps just did, did either</p> <p>9 of them show you, more importantly, show the jury,</p> <p>10 data that confirms that the safety framework that</p> <p>11 you have suggested would reduce harm to teenagers?</p> <p>12 A. In which part of the -- sorry, I believe</p> <p>13 that we have already had this conversation. And</p> <p>14 including all the things that I spoke about as a</p> <p>15 result of the work on tools that were specifically</p> <p>16 designed for teenagers. The metrics around that and</p> <p>17 sort of the entire approach that was done with that</p> <p>18 methodology. And so I don't understand how your</p> <p>19 question is distinct from that.</p> <p>20 Q. Yeah. Let me explain why it's distinct.</p> <p>21 When -- after I finished my questioning,</p> <p>22 Mr. Cartmell got back up, right?</p> <p>23 A. Yes.</p> <p>24 Q. And he asked you more questions, yes?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 1189</p> <p>1 Q. And he showed you some documents, yes?</p> <p>2 A. Yes.</p> <p>3 Q. And Mr. Phelps got back up and he had some</p> <p>4 more questions, right?</p> <p>5 A. Yes.</p> <p>6 Q. And he reshown you a video, right?</p> <p>7 A. Yes.</p> <p>8 Q. During that segment of your deposition on</p> <p>9 day 3 of 3, did counsel show you any data that</p> <p>10 confirms that the safety framework that you have</p> <p>11 suggested would reduce harm to teenagers?</p> <p>12 MR. CARTMELL: Object to the form. Scope.</p> <p>13 THE WITNESS: Counsel did not show me any</p> <p>14 data. I think that works the other way around.</p> <p>15 BY MS. JONES:</p> <p>16 Q. Okay. Is there any company that you could</p> <p>17 identify -- and I know -- putting Meta to the side</p> <p>18 because I understand your views on your first stint</p> <p>19 with the company, is there any company that you can</p> <p>20 point me to where your framework has been</p> <p>21 implemented?</p> <p>22 MR. PHELPS: Objection. Scope.</p> <p>23 MR. CARTMELL: Same objection.</p> <p>24 THE WITNESS: So Yahoo! I got my first</p> <p>25 implementation so that early versions of that.</p>	<p style="text-align: right;">Page 1191</p> <p>1 THE WITNESS: I did not see that data in</p> <p>2 the further questioning of me.</p> <p>3 MS. JONES: Okay. Mr. Bejar, I am hopeful</p> <p>4 that is the last time I ask you questions. I have</p> <p>5 nothing else at the moment.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 MS. JONES: Thank you for your time.</p> <p>8 MR. PHELPS: I just want to ask about that</p> <p>9 example. I'll be quick.</p> <p>10 MR. WARD: That's fine.</p> <p>11 Can I ask a few questions about the</p> <p>12 production of these documents to the Senate and the</p> <p>13 nondisclosure issue, any objection?</p> <p>14 MS. JONES: I don't think I have a basis</p> <p>15 to prevent you from asking questions of your witness</p> <p>16 if you want to.</p> <p>17 MR. WARD: Thank you. I'll be very brief.</p> <p>18 EXAMINATION</p> <p>19 BY MR. WARD:</p> <p>20 Q. Mr. Bejar, the documents that were</p> <p>21 produced to the United States Senate --</p> <p>22 MS. JONES: You need to put on your mic.</p> <p>23 MR. WARD: I'm sorry. Thank you, Phyllis.</p> <p>24 Q. The documents produced in the United</p> <p>25 States Senate were produced pursuant to subpoena?</p>
<p style="text-align: right;">Page 1190</p> <p>1 And then during the time I was in my first</p> <p>2 stint, Twitter adopted both the -- all of the</p> <p>3 language that we used in the reporting tools, and</p> <p>4 they developed an internal infrastructure that was</p> <p>5 very similar to what was at Meta at the time. This</p> <p>6 must have been around 2014 or 2015.</p> <p>7 BY MS. JONES:</p> <p>8 Q. And as to those companies that you just</p> <p>9 mentioned, did either counsel who just asked you</p> <p>10 more questions show you data to suggest that the</p> <p>11 application of your framework had reduced harm in</p> <p>12 either of those companies?</p> <p>13 MR. CARTMELL: Object to the form.</p> <p>14 Outside the scope.</p> <p>15 MR. PHELPS: Asked and answered.</p> <p>16 THE WITNESS: I believe I've answered that</p> <p>17 question already.</p> <p>18 BY MS. JONES:</p> <p>19 Q. I'm asking you as to Yahoo! and Twitter</p> <p>20 which you've just mentioned.</p> <p>21 MR. CARTMELL: Same objections.</p> <p>22 BY MS. JONES:</p> <p>23 Q. Did you see that data in their further</p> <p>24 questioning of you?</p> <p>25 MR. CARTMELL: Same objections.</p>	<p style="text-align: right;">Page 1192</p> <p>1 A. Correct.</p> <p>2 Q. That means you had a legal obligation to</p> <p>3 produce those documents; is that right?</p> <p>4 MS. JONES: Hold on.</p> <p>5 Objection to the lack of foundation. And</p> <p>6 I think you're asking for a legal conclusion.</p> <p>7 BY MR. WARD:</p> <p>8 Q. Did you understand that you had a legal</p> <p>9 obligation to turn over those documents?</p> <p>10 MS. JONES: Same objection.</p> <p>11 THE WITNESS: Yes, I did.</p> <p>12 BY MR. WARD:</p> <p>13 Q. Okay. When you left Facebook in 2021, did</p> <p>14 you, to your knowledge, retain any documents</p> <p>15 belonging to the company?</p> <p>16 A. Absolutely not.</p> <p>17 Q. When you produced documents to the United</p> <p>18 States Senate, or to other bodies, did you include</p> <p>19 all of these documents in Ms. Jones's Exhibit 85?</p> <p>20 MS. JONES: I object to the</p> <p>21 characterization of it as being Ms. Jones's exhibit.</p> <p>22 THE WITNESS: I would have to review it</p> <p>23 very closely to be able to accurately say that.</p> <p>24 BY MR. WARD:</p> <p>25 Q. Specifically, I'm referring to documents</p>

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<p style="text-align: right;">Page 1193</p> <p>1 related to report flows --</p> <p>2 A. With all the numbers?</p> <p>3 Q. Yeah. Do you recognize these documents?</p> <p>4 A. I do, yes.</p> <p>5 Q. Yeah. What are those documents?</p> <p>6 A. So those documents are the documentation</p> <p>7 of -- of the company's understanding of harm during</p> <p>8 2019, 2021. Not everything. But my e-mail to Mark</p> <p>9 Zuckerberg, presentations that were related to</p> <p>10 preparing that. Presentations by the central</p> <p>11 integrity team as related to all of these topics.</p> <p>12 I also pulled in some of the things from</p> <p>13 Jeff Horwitz' article that had the e-mail to Adam.</p> <p>14 And then the -- there's the data from the</p> <p>15 Facebook files around TRIPS which show that the</p> <p>16 numbers that had appeared in BEEF had been</p> <p>17 historically consistent.</p> <p>18 And then the last part is all of the</p> <p>19 presentations with detailed metrics and statistics</p> <p>20 that show the effectiveness of the framework we've</p> <p>21 been talking about.</p> <p>22 Q. So this Exhibit 85 is a combination of a</p> <p>23 number of different sources of documents; is that</p> <p>24 right?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 1195</p> <p>1 you saw it after you left?</p> <p>2 A. When New Mexico unredacted -- or published</p> <p>3 their exhibits on the website.</p> <p>4 Q. And Exhibit 77 from your deposition today,</p> <p>5 which Ms. Jones introduced the copy of the text</p> <p>6 exchange between you and Frances Haugen and another</p> <p>7 person named [REDACTED] you refer to the publication by</p> <p>8 the State of New Mexico of the BEEF study; is that</p> <p>9 right?</p> <p>10 A. That's correct.</p> <p>11 Q. And what was your reaction to the</p> <p>12 publication of this study?</p> <p>13 A. I was very happy.</p> <p>14 Q. And why is that?</p> <p>15 A. Because this study contains so much</p> <p>16 information that parents and the public and</p> <p>17 lawmakers and regulators needed to know.</p> <p>18 Q. And until it was published, you didn't</p> <p>19 even have a copy of it to give to anyone?</p> <p>20 A. I did not.</p> <p>21 Q. So when you produced documents to the</p> <p>22 United States Senate, did it include these documents</p> <p>23 that you possessed from Facebook related to public</p> <p>24 research on the subject matter of teens?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 1194</p> <p>1 Q. Okay. One of the documents is described</p> <p>2 in your cover sheet as Facebook documents that have</p> <p>3 been published to the public on the subject matter</p> <p>4 of teens; is that right?</p> <p>5 MS. JONES: And, Counsel, I'm -- this is</p> <p>6 your witness so I'm going to object to the leading.</p> <p>7 BY MR. WARD:</p> <p>8 Q. You can answer.</p> <p>9 A. Yes.</p> <p>10 Q. And it includes finding some research and</p> <p>11 product development that was made public by the</p> <p>12 company?</p> <p>13 MS. JONES: Same objection.</p> <p>14 THE WITNESS: Yes.</p> <p>15 MS. JONES: Can I just have a running</p> <p>16 objection to all this leading of your own witness?</p> <p>17 MR. WARD: Of course.</p> <p>18 MS. JONES: Okay.</p> <p>19 BY MR. WARD:</p> <p>20 Q. The BEEF study, did you retain a copy of</p> <p>21 that when you left the company?</p> <p>22 A. I did not.</p> <p>23 Q. When -- after you left the company, when</p> <p>24 was the first time you saw the BEEF study? From the</p> <p>25 time you left the company, when was the first time</p>	<p style="text-align: right;">Page 1196</p> <p>1 Q. And the documents that we produced in</p> <p>2 response to the subpoena from Facebook, did it</p> <p>3 include all of these documents?</p> <p>4 A. Yes.</p> <p>5 MR. WARD: Thank you. I have no more</p> <p>6 questions.</p> <p>7 MS. JONES: Do I need to move?</p> <p>8 MR. PHELPS: I just want to be able to</p> <p>9 make eye contact.</p> <p>10 (Whereupon, a brief discussion off the</p> <p>11 record.)</p> <p>12 MS. JONES: Is it okay before we finish, I</p> <p>13 just have three things I want to note on the record,</p> <p>14 not substantive, but like --</p> <p>15 (Whereupon, a brief discussion off the</p> <p>16 record.)</p> <p>17 EXAMINATION</p> <p>18 BY MR. PHELPS:</p> <p>19 Q. Hello, again, Mr. Bejar.</p> <p>20 A. Hello.</p> <p>21 Q. Brian Phelps.</p> <p>22 You mentioned -- you just had the</p> <p>23 opportunity to speak with Ms. Jones since you and I</p> <p>24 have spoken?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 1197</p> <p>1 Q. You mentioned in an answer to a question 2 she posed to you that an example had come to your 3 mind related to data supporting the notion that your 4 child safety framework was effective in reducing 5 harm that kids might experience on social media 6 platforms. 7 Do I recall that correctly? 8 A. Yes. 9 Q. And Ms. Jones didn't follow up and solicit 10 that example, right? 11 A. Yes. 12 Q. Are you able to provide me that example of 13 data supporting the notion that your framework that 14 you've discussed at length over the last several 15 days is effective in reducing harm to kids online? 16 A. Yes, I am. 17 And I will say that the framework, while 18 most urgent to be applied to kids, can be applied to 19 safety and security issues in social systems 20 overall. 21 So in -- I believe it was early 2010, one 22 of the issues that was brought to my attention was 23 something called friend spam, which is people 24 receiving friend requests of people whom they didn't 25 know.</p>	<p style="text-align: right;">Page 1199</p> <p>1 and it was important to do that because you had 2 separated out the people who would change behavior 3 based on feedback from the people who did not. 4 The result meaningfully dropped all of the 5 friend spam statistics for the company. We did not 6 have to deactivate any more accounts with -- for 7 violating that particular policy or approach. 8 And the effect was so successful that Mike 9 Schroepfer, the CTO, would use it as an example in 10 boot camp to tell new engineers, this was a reason 11 that they should join protect and care. 12 Q. Thank you for that. 13 The notion of confidentiality also came up 14 in your discussion with Ms. Jones. 15 Do you recall that? 16 A. Yes. 17 Q. Aside from the topic -- topics related to 18 your daughter, which I think we could all agree the 19 confidentiality protections may be relevant -- would 20 anything you testified about over the last three 21 days that were made public cause you embarrassment, 22 annoyance, or harm? 23 MS. JONES: Objection to the form. And 24 the characterization. 25 Go ahead.</p>
<p style="text-align: right;">Page 1198</p> <p>1 At the time, the company policy was one 2 similar to when we talk about prevalence, which is, 3 if you sent 5,000 friend requests, there was a label 4 that got applied, it was derogatory, I don't think 5 it serves anything for me to repeat it, and then 6 your account would be deactivated. And many people 7 run into that. 8 When we looked at the issue, what we did 9 is we changed the language in the friend request to 10 allow people to express what was going on, in 11 particular, did you know the person who made the 12 friend request or not. Do you know Brian, do you 13 know Sharon, do you know -- and when we changed the 14 language of whether you knew people or not, usage 15 went up significantly on people clicking on that 16 button. 17 And then they were able to tell us that 18 they didn't know the person. Using around 50 or 40 19 examples of that, we gave feedback to people that 20 Facebook was a place where you sent friend requests 21 to people that you knew. And approximately 22 75 percent of people changed their behavior based on 23 that. 24 Then there were people who would not 25 change their behavior and those were investigated</p>	<p style="text-align: right;">Page 1200</p> <p>1 THE WITNESS: Not at all. 2 BY MR. PHELPS: 3 Q. In your view, based on your eight years 4 within Meta, would any of the topics we discussed 5 over the last three days cause competitive harm to 6 Meta's business? 7 A. Not at all. 8 MS. JONES: Hold on. 9 Objection. Foundation. Calls for a legal 10 conclusion. 11 BY MR. PHELPS: 12 Q. And so would it be your preference that 13 the information we've discussed over the last couple 14 of days, excluding your -- the discussion of your 15 daughter and family circumstances, and perhaps your 16 compensation, other than those personal topics, 17 would it be your view that our discussion over the 18 last several days is material that you would prefer 19 to be in the public domain? 20 MS. JONES: Objection to foundation. 21 THE WITNESS: Yes. 22 MR. PHELPS: I have nothing else. 23 MS. JONES: Can I just make a couple -- we 24 could probably let Mr. Bejar go. But could I just 25 flag a couple things?</p>

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<p style="text-align: right;">Page 1201</p> <p>1 MR. PHELPS: Sure.</p> <p>2 MS. JONES: For the record.</p> <p>3 I do think we probably should go ahead and</p> <p>4 just mark the copies of the transcripts for</p> <p>5 Tennessee AG and antitrust since we -- both sides</p> <p>6 used it and it might make our lives easier down the</p> <p>7 road.</p> <p>8 (Whereupon, a brief discussion off the</p> <p>9 record.)</p> <p>10 MS. JONES: Both sides used it and it</p> <p>11 might make our lives easier down the road to just</p> <p>12 have it be among the exhibits.</p> <p>13 MR. PHELPS: I would agree with that.</p> <p>14 I also think we've been inconsistent in</p> <p>15 marking demonstratives. I would appreciate if we</p> <p>16 could mark the demonstratives I've used if we've</p> <p>17 marked other demonstratives.</p> <p>18 MS. JONES: For sure you can do that.</p> <p>19 Okay.</p> <p>20 The other item is I believe, Mr. Ward,</p> <p>21 we're going to have a separate discussion about how</p> <p>22 best to handle the exhibits related to Mr. Bejar's</p> <p>23 daughter. I don't think we should and I, frankly,</p> <p>24 don't want to have that conversation tonight. But</p> <p>25 I'm happy to have a conversation about it at some</p>	<p style="text-align: right;">Page 1203</p> <p>1 THE VIDEOGRAPHER: Are we good to go off?</p> <p>2 All right. Total time for personal injury</p> <p>3 plaintiffs is 11 hours 39 minutes.</p> <p>4 Tennessee. 2 hours 17 minutes.</p> <p>5 Meta. 9 hours 9 minutes.</p> <p>6 Mr. Bejar's attorney. 5 minutes.</p> <p>7 The time is 7:41. We're off the record.</p> <p>8 (Whereupon, the deposition was concluded</p> <p>9 at 7:41 p.m.)</p> <p>10 (Whereupon, Meta-Bejar Exhibit 86 was</p> <p>11 marked for identification.)</p> <p>12 (Whereupon, Meta-Bejar Exhibit 87 was</p> <p>13 marked for identification.)</p> <p>14 (Whereupon, Meta-Bejar Exhibit 88 was</p> <p>15 marked for identification.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 1202</p> <p>1 point.</p> <p>2 And then thirdly, Mr. Cartmell and I have</p> <p>3 had a conversation about Exhibit Number 6. We</p> <p>4 probably need to come to some kind of ground on what</p> <p>5 our point of view is on whether it needs to be</p> <p>6 redacted, and if so, to what extent. So can we just</p> <p>7 agree to try to hash that out?</p> <p>8 MR. CARTMELL: Yeah.</p> <p>9 MR. PHELPS: Can you just remind -- for</p> <p>10 the record?</p> <p>11 MS. JONES: What Exhibit 6 was?</p> <p>12 MR. PHELPS: Yeah. I'm just not sure that</p> <p>13 those are discussions --</p> <p>14 MS. JONES: They may not -- yeah, that's</p> <p>15 a -- it's a fair point.</p> <p>16 MR. PHELPS: There's more than just those</p> <p>17 two parties in this so I'd ask the State AG --</p> <p>18 MS. JONES: You don't have to remind us</p> <p>19 that you're also on the case, right?</p> <p>20 MR. PHELPS: Yeah, yeah.</p> <p>21 MS. JONES: Yeah, that -- of course you</p> <p>22 can be part of that. That's not a problem.</p> <p>23 That's all I have.</p> <p>24 MR. CARTMELL: Can we talk about that one</p> <p>25 word?</p>	<p style="text-align: right;">Page 1204</p> <p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition over carefully</p> <p>4 and make any necessary corrections. You should</p> <p>5 state the reason in the appropriate space on the</p> <p>6 errata sheet for any corrections that are made.</p> <p>7 After doing so, please sign the errata</p> <p>8 sheet and date it.</p> <p>9 You are signing same subject to the</p> <p>10 changes you have noted on the errata sheet, which</p> <p>11 will be attached to your deposition.</p> <p>12 It is imperative that you return the</p> <p>13 original errata sheet to the deposing attorney</p> <p>14 within thirty (30) days of receipt of the deposition</p> <p>15 transcript by you. If you fail to do so, the</p> <p>16 deposition transcript may be deemed to be accurate</p> <p>17 and may be used in court.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 1205</p> <p>1 ERRATA SHEET</p> <p>2</p> <p>3 PAGE LINE CHANGE</p> <p>4 _____</p> <p>5 REASON: _____</p> <p>6 PAGE LINE CHANGE</p> <p>7 _____</p> <p>8 REASON: _____</p> <p>9 PAGE LINE CHANGE</p> <p>10 _____</p> <p>11 REASON: _____</p> <p>12 PAGE LINE CHANGE</p> <p>13 _____</p> <p>14 REASON: _____</p> <p>15 PAGE LINE CHANGE</p> <p>16 _____</p> <p>17 REASON: _____</p> <p>18 PAGE LINE CHANGE</p> <p>19 _____</p> <p>20 REASON: _____</p> <p>21 PAGE LINE CHANGE</p> <p>22 _____</p> <p>23 REASON: _____</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 1207</p> <p>1 STATE OF CALIFORNIA)</p> <p>2 COUNTY OF YOLO)</p> <p>3 I, ELAINA BULDA-JONES, a Certified Shorthand</p> <p>4 Reporter of the State of California, duly authorized</p> <p>5 to administer oaths pursuant to Section 2025 of the</p> <p>6 California Code of Civil Procedure, do hereby</p> <p>7 certify that</p> <p>8 ARTURO BEJAR,</p> <p>9 the witness in the foregoing deposition, was by me</p> <p>10 duly sworn to testify the truth, the whole truth and</p> <p>11 nothing but the truth in the within-entitled cause;</p> <p>12 that said testimony of said witness was reported by</p> <p>13 me, a disinterested person, and was thereafter</p> <p>14 transcribed under my direction into typewriting and</p> <p>15 is a true and correct transcription of said</p> <p>16 proceedings.</p> <p>17 I further certify that I am not of counsel or</p> <p>18 attorney for either or any of the parties in the</p> <p>19 foregoing deposition and caption named, nor in any</p> <p>20 way interested in the outcome of the cause named in</p> <p>21 said deposition dated the _____ day of</p> <p>22</p> <p>23 </p> <p>24</p> <p>25 ELAINA BULDA-JONES, CSR 11720</p>
<p style="text-align: right;">Page 1206</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I, _____, do hereby certify</p> <p>6 that I have read the foregoing pages, and that the</p> <p>7 same is a correct transcription of the answers given</p> <p>8 by me to the questions therein propounded, except</p> <p>9 for the corrections or changes in form or substance,</p> <p>10 if any, noted in the attached Errata Sheet.</p> <p>11</p> <p>12</p> <p>13</p> <p>14 ARTURO BEJAR DATE</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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